4.4 Cultural Resources

This section evaluates the potential for impacts on cultural resources resulting from implementation of the proposed French Hotel (Proposed Project) and identifies known and potential cultural resources on the Project Site. Information presented in this section is primarily based on the following documents:

- Historical Resources Analysis Report (HRAR), Proposed French Hotel Project by Urbana Preservation & Planning, LLC (2025) and included in Appendix D of this EIR.

A Notice of Preparation (NOP) for the Project was released for public review on March 19, 2026, and an EIR Scoping Meeting was held on April 6, 2026. Comments pertaining to cultural resources were received during the public scoping period from UNITE HERE Local 11. The comments requested clarification on the height of Building 5 (the parking lift) in relation to the historic Yorba Adobe. As discussed in Chapter 4.1, Aesthetics, and shown on Figure 4.1-2, the top of Building 5 is below the top of the Yorba Adobe and Building 5 will not be visible from Camino Capistrano. Comments were also provided related to the Garage Barn, White Barn and related remnant orchard, which are discussed below. Additionally, cumulative impacts related to historic structures, including the Garage Barn and White Barn are discuss below in Section 4.4.5. Tribal Consultation in compliance with AB 52 has been conducted and discussed in Section 4.11, Tribal Cultural Resources.

4.4.1 Environmental Setting

The following sections describe the history of the project site and discuss known cultural resources, archaeological resources, and build environment resources in or around the project's area of potential effect (APE).

4.4.2 Regulatory Setting

The treatment of cultural resources is governed by federal and state laws and guidelines. Specific criteria exist to determine if prehistoric and historic sites or objects are significant or protected by law. Federal and state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant under state criteria. The laws and regulations seek to mitigate impacts to significant prehistoric or historical resources. The federal and state laws and guidelines for protecting historical resources are summarized below.

4.4.2.1 Federal

National Historic Preservation Act (U.S. Code, Title 54, Section 300101 et seq.)

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Listing in the NRHP provides recognition that a property is significant to the nation, the state, or the community and assumes that federal agencies consider historical value in the planning for federal and federally assisted projects. Properties listed in the NRHP or determined eligible for listing must meet certain criteria for historical significance and possess integrity of form, location, and setting. Structures and features must usually be at least 50 years old to be considered for listing in the NRHP, barring exceptional circumstances. Criteria for listing in the NRHP, which are set forth in the Code of Federal Regulations, Title 36, Part 60.4, are as follows: 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 that:

A. Are associated with events that have made a significant contribution to the broad patterns of our history; or

B. Are associated with the lives of persons significant in our past; or

C. Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction; or

D. Have yielded, or may be likely to yield, information important in prehistory or history.

Eligible properties must meet at least one of the criteria and exhibit integrity, which is measured by the degree to which the resource retains its historic properties and conveys its historic character, the degree to which the original fabric has been retained, and the reversibility of changes to the property. The fourth criterion is typically reserved for archaeological and paleontological resources. These criteria have largely been incorporated into the California Environmental Quality Act (CEQA) Guidelines.

Native American Graves Protection and Repatriation Act (U.S. Code, Title 25, Section 3001 et seq.)

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Native American Tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and culturally unidentifiable Native American

cultural items, intentional and inadvertent discovery of Native American cultural items on federal and Tribal lands, and penalties for noncompliance and illegal trafficking. Implementation of the project would be conducted in compliance with NAGPRA.

Federal curation regulations are also provided in the Code of Federal Regulations, Title 36, Part 79, and apply to collections that are excavated or removed under the authority of the Antiquities Act (16 USC 431–433), the Reservoir Salvage Act (16 USC 469–469c), Section 110 of the National Historic Preservation Act (16 USC 470h-2), or the Archaeological Resources Protection Act (16 USC 470aa–mm). Such collections generally include those that are the result of a prehistoric or historical resources survey, excavation, or other study conducted in connection with a federal action, assistance, license, or permit.

4.4.2.2 State

Assembly Bill 978: California Native American Graves Protection and Repatriation Act

The California NAGPRA, enacted in 2001, required the state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. California NAGPRA also provides a process for the identification and repatriation of these items to the appropriate Tribes.

California Government Code, Sections 6254(r) and 6254.10

Sections 6254(r) and 6254.10 of the California Government Code were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to "Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission." Section 6254.10 specifically exempts from disclosure requests for "records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency."

California Health and Safety Code, Section 7050.5, and California Public Resources Code, Section 5097.9

California Health and Safety Code, Section 7050.5, addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except

as provided in California Public Resources Code, Section 5097.99. It further states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains will occur until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death and that the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to their authorized representative, in the manner provided in California Public Resources Code, Section 5097.98. If the county coroner determines that the remains are not subject to their authority and if the county coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, they shall contact, by telephone and within 24 hours, the NAHC. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, the agency shall immediately notify the most likely decadent if it believes them to be the most likely descendant of the deceased Native American. The most likely descendant may inspect the site of the discovery and make recommendations on the removal or reburial of the remains.

California Register of Historical Resources

The CRHR is a state government program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources and encourages public recognition and protection of resources of architectural, historic, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

The term "historical resource" includes but is not limited to any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (California Public Resources Code, Section 5020.1[j]). Historical resources may be designated as such through three different processes:

- Official designation or recognition by a local government pursuant to local ordinance or resolution (California Public Resources Code, Section 5020.1[k])
- A local survey conducted pursuant to California Public Resources Code, Section 5024.1(g)
- Listing in or eligibility for listing in the NRHP (California Public Resources Code, Section 5024.1[d][1])

To be eligible for listing in the CRHR, a building must satisfy at least one of the following four criteria:

- **Criterion 1.** It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- **Criterion 2.** It is associated with the lives of persons important to local, California, or national history.
- **Criterion 3.** It embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values.
- **Criterion 4.** It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Native American Historic Cultural Sites (California Public Resources Code, Section 5097 et. seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

4.4.2.3 Local

The City maintains a historic preservation program to regulate the identification, protection, and appropriate treatment of landmarks and historical resources including a General Plan Cultural Resource Element, a Cultural Heritage Commission, and ordinances relating to site plan review and special uses at landmarks or historic districts included on the NRHP, CRHR, and the IHCL.

In San Juan Capistrano, landmarks are defined as any building, structure, site, or object (listed either individually or as a historic district) on the IHCL, the CRHR, or the NRHP. Properties may be added to the IHCL by demonstrating significance to the community as a whole and, therefore, being worthy of public interest and protection.

General Plan Cultural Resources Element

The primary purpose of the Cultural Resources Element (CRE) is to protect and preserve the historic, archaeological, and paleontological resources located in San Juan Capistrano. To implement this goal, the CRE includes three policies:

1. Balance the benefits of development with the project's potential impacts to existing cultural resources,

2. Identify, designate, and protect buildings and sites of historic importance, and,

3. Identify funding programs to assist private property owners in the preservation of buildings and sites of historic importance.

Municipal Code Article 3 | Cultural Heritage Commission

Pursuant to Municipal Code Section 2-2.303, the City's Cultural Heritage Commission (CHC) serves as the advisory body for historic preservation concerns. Duties of the CHC include:

- Generally, to act in an advisory capacity to the City Council, Planning Commission, City Manager, and any other group which the Council might designate in all matters pertaining to the culture, heritage, and history of the City;
- To promote an awareness of and appreciation for the City's cultural and historical significance through the preservation and promotion of traditional folkways associated with the community. The Commission shall encourage the sponsorship of community events and activities to promote the knowledge of history, culture and traditional folkways of the community and shall assist community organizations and other City boards and commissions in undertaking such tasks;
- To compile, keep, and maintain a list of all sites, structures, persons, events, and landmarks which have cultural or historical significance or importance. Such list shall be submitted to the Council for its review. The Commission shall notify the owner of any item on the list of any special City requirements applicable to his property;
- To implement and administer studies and plans relating to matters of historical, cultural, paleontological, or archaeological significance and to make recommendations on the designation and creation of historical, cultural, paleontological, or archaeological districts;
- To recommend to the Council an annual budget including the following: Financing of the activities of the Commission; and the capital projects designed to protect the cultural heritage of the community.

Municipal Code Section 9-2.327 | Historical and Cultural Landmarks Site Plan Review

This ordinance provides for the protection enhancement, perpetuation, and use of those areas, structures and objects within the City which, due to their historical or cultural significance or character, require special consideration in order to meet the goals and policies of the General Plan with regard to preservation of cultural resources. Section 9-2.327(b) outlines the general requirements and procedures for the historical and cultural landmark site plan review process as follows.

1. It shall be unlawful for any person to demolish, remove, relocate, renovate, modify, or otherwise alter any structure, site, or object, including trees and other vegetation, listed individually or as part of a district in the Inventory of Historical and Cultural Landmarks

(IHCL), as adopted and amended from time to time by City Council resolution, without obtaining prior City approval for such action pursuant to this section. For purposes of this section, "landmark" shall mean any location or object listed on the IHCL.

2. Minor alterations to landmarks. Any action pertaining to a landmark that qualifies for Administrative Approval pursuant to Section 9-2.303(a)(17) may be approved administratively pursuant to the procedures set forth in that section, provided that such approval shall be based on finding that the proposed action is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties, in addition to other required findings.

3. Major modifications, alterations, or other actions pertaining to landmarks that do not qualify for administrative approval shall require approval of a historical and cultural landmark site plan review pursuant to this section.

4. Applications for historical and cultural landmark site plan review shall be filed with the Department of Planning Services along with the required fee or deposit as established by City Council resolution. The Planning Director shall prescribe the form of application and the supporting information required to initiate the site plan application review. Once an application is received by the Department of Planning Services, the application will be reviewed for completeness and processed pursuant to the timelines established in Section 9-2.301.

5. A preliminary development review meeting between City staff and the applicant may be conducted prior to filing of the formal application, pursuant to Section 9-2.301(c).

6. An application for site plan review may be submitted and reviewed concurrently with other applications required for proposed development on the site.

7. The Planning Director may forward the site plan review application to various city boards and commissions for review of technical aspects of the project prior to scheduling the project for a public hearing.

8. The reviewing authority for a site plan review application shall be the Cultural Heritage Commission, at a public hearing with notice given pursuant to Section 9-2.302(f). Decisions of the Cultural Heritage Commission may be appealed to the Planning Commission and ultimately to the City Council pursuant to Section 9-2.311, Appeals.

Section 9-2.327(c) outlines the approval criteria for site plan reviews at historical and cultural landmarks.

1. The project complies with the maps and policies of the General Plan.

2. The project complies with applicable provisions of the Land Use Code and with any applicable specific plan or comprehensive development plan.

3. All aspects of the proposed site design, including building orientation and placement, massing, access, parking, colors, materials, paving, lighting, signage, and landscaping, are compatible with the historic nature of the site, surrounding district and/or historic period represented by the landmark.

4. The project has been designed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, Weeks and Grimmer).

Additional requirements specified within Section 9-2.327 refer to construction time periods after approval of a site plan review, maintenance of Landmarks, and enforcement and penalties for non-compliance.

Municipal Code Section 9-3.407 | Cultural Resources / Historic Preservation District

Pursuant to Municipal Code Section 9-3.407, the purpose and intent of the Cultural Resources / Historic Preservation (CR / HP) District is to establish regulations for those areas of the City which, due to their historical or cultural significance, require special consideration to ensure their preservation as a community resource. This ordinance outlines permitted base and conditional uses at CR / HP Districts.

Section 9-3.407(d) stipulates the general requirements for discretionary projects in CR / HP Districts. Any person desiring to demolish, remove, relocate, or alter any such landmark shall receive City approval prior to such action, which is set forth in the Inventory of Historical and Cultural Landmarks (IHCL) or Sensitive Area Map adopted by the Council by resolution. Failure to comply with the provisions of this section shall constitute sufficient grounds for the revocation of any grading or building permit and the temporary suspension of any operation otherwise being carried out in compliance with such permits.

Pursuant to Section 9-3.407(e), any person desiring to demolish, remove, relocate, or alter any landmark set forth in the IHCL shall be subject to Section 9-2.327 Historical and Cultural landmark Site Plan Review. Any person desiring to construct site improvements on property identified on the Sensitive Area Map shall comply with City Council Policy 601. San Juan Capistrano City Council Policy 601 governs the management, protection, and preservation of the city's archaeological, paleontological, and historic resources. It requires professional monitoring during ground-disturbing activities to prevent the destruction of valuable, unrecorded cultural artifacts.

City of San Juan Capistrano Historic Town Center Master Plan Repeal Final Environmental Impact Report

The subject property and Proposed Project area is within the boundaries of the Town Center Zoning District and is subject to compliance with Mitigation Measures CUL-1 (a) & (b) of the Historic Town Center Master Plan Repeal EIR. The HRAR prepared for the Proposed Project (see Appendix D) satisfies the requirements of CUL-1 (a) & (b).

CUL-1: Prior to the approval of discretionary entitlements and associated CEQA review for future site-specific development associated with the Project area that either 1) impacts an historic structure or 2) is located adjacent to an historic structure, the project applicant shall complete, or cause to be completed the following:

a. Prepare a historic resources evaluation to provide an updated historic integrity evaluation of the historic site pursuant to the requirements of the CEQA Guidelines, the National Register of Historic Places criteria and the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation (often referred to as "HABS documentation"). In the event the evaluation concludes the site retains its historic integrity, the requirements governing the significance of impacts and mitigation of impacts to historical resources set forth in CEQA Guidelines Sections 15064.5 (b) and 15126.4(b) shall be addressed in the CEQA document prepared for the project. In the event the evaluation concludes that the site does not retain its integrity, then the City shall submit the report to the California Office of Historic Preservation for a concurrence determination pursuant to National Register of Historic Places procedures.

b. For buildings or improvements proposed adjacent to an historic structure listed in the National Register of Historic Places, site specific development plans shall be evaluated to determine if the design of the proposed structures is compatible with the adjacent historic resource in accordance with the Secretary of the Interior's Standards and CEQA Guidelines Section 15064.5(b) and 15126.4(b). Stringent design guidelines shall be required for projects located adjacent to historic buildings taking into account the potential for indirect and visual impacts. Mitigation measures must be recommended and incorporated into future site-specific projects to reduce indirect visual impacts as part of the discretionary entitlement and CEQA review process. Specific measures may include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structures or buildings; increased setbacks and screening of the structure with native trees.

4.4.3 Existing Conditions

4.4.3.1 Prehistory

San Juan Capistrano is located on the ancestral lands shared by the Gabrielino-Tongva Nation and the Juaneño Band of Mission Indians/Acjachemen Nation, who have been the traditional caretakers since time immemorial. Tongva and Acjachemen people maintain a strong presence in Orange County and throughout Southern California, protecting their homelands, knowledge systems, and cultures. Before the arrival of Europeans in Orange County, the Native Americans of the area were largely peaceful hunter-gatherers. Tribes had a monarchic form of government, with leadership passing within one family, and a council of men who aided that leader. War was never waged for conquest, but to avenge crimes against family members or leaders. A deity called Chinigchinich was worshiped in religious ceremonies held in a small temple structure located in the center of each community. Spanish missionaries divided Orange County peoples into two groups based on their proximity to area missions: Juaneños (originally Acagchemem) and Gabrielinos. It is thought there were many small tribes, all belonging to the Shoshone family, sharing common linguistic roots.

4.4.3.2 Spanish Colonial Origins of San Juan Capistrano

The Spanish missionization and settlement of California began in 1768 when King Carlos III ordered Visitador-General Jose de Galvez to organize soldiers and missionaries from Mexico to colonize the distant territory. On May 13, 1769, Commander Don Gaspar de Portola, Sergeant José Francisco de Ortega, and Fray Junípero Serra, departed with soldiers and supplies for San Diego from Velicata, Baja California. Upon arriving in San Diego, Fray Serra founded California's first mission, San Diego de Alcála. Other missions were soon established, primarily along the coast of California and in three distinct ranges: the Coastal Range, Transversal Range, and Peninsular Range. The Spanish selected mission sites in valleys, and on alluvial fans and coastal plains away from marshy flats. Most missions were established close to the sea; however, some missions like Mission San Gabriel and San Jose were located strategically in the interior, as a way of establishing and maintaining inland routes. Preferred locations were near reliable water sources and had adequate arable lands. The Spanish established three missions in the Peninsular Range: San Diego, San Luis Rey, and San Juan Capistrano. Each of these three missions were located three to six miles from the ocean either in valley bottoms or on terraced slopes along streams. The earliest exploration of Orange County by Europeans was led by Gaspar de Portola. He set out from Mission San Diego de Alcála to find a land route to the Bay of Monterey. Portola’s expedition passed through Orange County in 1769 (northward) and 1770 (southward). He named Trabuco Creek, Santiago Creek and other geographic features he encountered.

La Misión de San Juan Capistrano was initially established in October 1775 by Fermín Lasuén at a site at the base of a mountain in the Peninsular Range. However, due to a Native American

uprising, Lasuén and the Spanish soldiers retreated back to San Diego. The San Juan Capistrano region was occupied by the Acjachemen people for thousands of years. The Spaniards referred to the Acjachemen people as the Juaneños, a moniker assigned for the San Juan Capistrano mission settlement. In 1776, Junípero Serra himself, along with fathers Amúrrio and Mugártegui, took up work to reestablish the Mission at San Juan Capistrano. The contingent, accompanied by eleven soldiers, arrived in October 1776. After visiting the original mission site, now known as Mission Vieja, they selected another site, located a few miles southwest at the confluence of the San Juan and Trabuco creeks. Founded in 1776 and dedicated in 1778, the San Juan Capistrano Mission complex included an adobe chapel and church building constructed of stone, with workshops, granaries, kitchens, barracks and residences, and a hospital.5 By 1794 approximately 40 adobe dwellings had been constructed beyond the mission grounds to house the local native converts. The western walls of the mission complex were constructed in 1795 adjacent to Occidental Street (now Los Rios Street) which connected to a pathway leading to Trabuco Creek. The mission complex was completed c.1806, and on Sunday, December 8, 1812, the stone church was destroyed by an earthquake, one of many seismic disturbances that year which was described as el *ano de los temblores* - the year of earthquakes. This was followed by the decline and eventually abandonment of the mission community.

A large faction of the people of Mexico declared independence from Spain in 1810, and after a long struggle, broke free from colonial rule in 1821. Alta California became a territory of the Republic of Mexico. The original Spanish settlers and their descendants became known as Californios. In 1833 the Mexican Congress passed An Act for the Secularization of the Missions of California, which ended missionary activity and used proceeds from the sale of mission properties to promote settlements in Alta and Baja California. The following year, Governor José Figueroa issued a Decree of Confiscation for the San Juan Capistrano mission property. A few Californios and many of the native converts that had settled at the mission remained. On July 30, 1841, a petition for settlement was presented to the Mexican Government and the mission administrator, and in July, the former mission lands were distributed to the 33 petitioners. Governor Juan B. Alvarado appointed Santiago Argüello as administrator of the mission. During his tenure, the community was briefly renamed the Pueblo of San Juan de Argüello, but its original name, San Juan Capistrano, was soon restored. The secularization of the missions was followed by an increase in the number of land grants awarded throughout California to encourage increased settlement on the Mexican frontier. Grants for large Ranchos in the area that would later become Orange County included Rancho Misión Vieja (in Mission Viejo and San Juan Capistrano), Boca de la Playa (in San Clemente and Dana Point), and Rancho Trabuco (in Trabuco Canyon and Coto de Caza).

One of the first Californio settlers near Mission San Juan Capistrano was Jose Antonio de los Remedios Yorba. He was born at the Monterey Presidio in 1785. In about 1826, he and his wife, Maria Catalina Verdugo, moved to Rancho Santiago de Santa Ana, and on March 26, 1826, their

son, Domingo de la Resurrección Yorba, was born there. They built an adobe house near San Juan Capistrano c.1830. Jose Antonio died in 1844, leaving young Domingo as the head of the family. Domingo Yorba married Maria Juana Rios at Mission San Gabriel on May 12, 1845, and continued in the occupation of his father, raising cattle on several ranches in what is now Orange and San Diego counties.

Manuel Garcia, a Portuguese immigrant, arrived in San Juan Capistrano c.1840. He settled on the Yorba property and built a two-story adobe building. He opened "El Portugues General Store" on the south side of the ground floor, and the rest of the ground floor and the upstairs served as San Juan Capistrano's first hotel for travelers along El Camino Real. However, Garcia did not stay long. The American victory over Mexico in 1848 resulted in the American acquisition of Alta California, which was granted statehood in 1850. Major changes ensued for San Juan Capistrano. Squatters, drifters, and bandits initially plagued the town, as it was one of the few stopping and supply points between San Diego and Los Angeles. The nearby ranchos also brought cowboys into town that reportedly caused drunken brawls in the streets. In 1857, Manuel Garcia's store was looted by the notorious bandit, Juan Flores. After looting his store, the gang killed the German storekeeper, Jorge Pflughardt. Manuel Garcia left San Juan Capistrano and abandoned the large adobe that he had built.

Domingo Yorba and Maria Rios continued to live at their home in San Juan Capistrano. Domingo became a very wealthy and respected rancher. San Juan Capistrano's location on the road to newly discovered gold fields in northern California led to rapid growth of the town, and cattle raised on nearby ranchos were driven north and sold at great profit to feed prospectors. Domingo Yorba, along with his uncle, Juan Lopez, had a documented claim to Cañada de San Vicente y Mesa del Padre Barona, one of the last Mexican land grants, granted to Lopez by Governor Pio Pico in 1846. In 1854, Public Land Commissioner Felch confirmed the validity of Claim No. 426, Lopez and Yorba's grant of three-square leagues of land in San Diego County. However, it was not until 1873 that Yorba filed his claim with the General Land Office and received a patent to the 13,316-acre ranch, and another ten years before he recorded the patent with the county. Indeed, Domingo Yorba's extended family owned several land grants between San Diego and Los Angeles, totaling more than 165,000 acres, and Domingo sold many properties and his interests in various ranchos.

While the town of San Juan Capistrano grew and prospered, it soon became evident that the land titles that were established in 1841 were no longer valid under state and county land ownership documentation. Those that claimed land ownership in the town were notated in a survey that was filed on December 10, 1875, and H.K.S. O'Melveny, a Los Angeles County Judge, began the process of securing legal title for the lands as outlined in an act of Congress on March 2, 1867, entitled "An act for the relief of the inhabitants of the Cities and Towns upon public lands."12 O'Melveny filed a Cash Entry at the General Land Office in Los Angeles and received a patent

for 567 acres in San Juan Capistrano. Title was then transferred to the people who had an established claim of the lands they held.

In 1876, ownership of the property was claimed by Maria Rios, wife of Domingo Yorba, and Judge O'Melveny obtained title to the lands in San Juan Capistrano to convey the individual parcels to those who had valid claims to the land. Maria and Domingo had lived there over the years with their eight children, Domingo's mother, Catalina Verdugo, and eventually, several grandchildren.13 Maria Rios sold the land to Juan Salaberri and Co. and Domingo Oyharzabal in 1880. Domingo Yorba passed away in San Juan Capistrano in 1889 and Maria Rios passed in 1896. It is worth noting that the property has essentially had only two owners, the Yorba family for 50 years and the Oyharzabal and Salaberri families for more than 140 years. Refer to Table 1 for ownership history. The partnership of two Basque pioneers, Domingo Oyharzabal and Juan Salaberri, and their family histories are well documented in the National Register nomination.

> Domingo Oyharzabal was born in the Basses-Pyrenees, France in 1846. His father, Babtiste, and his mother, Sabina, were farmers and raised livestock. There were nine children in the family. The death of Babtiste in 1856 made it necessary for some of the children to leave home, among them was Domingo who left for South America and from there to America, where he arrived in 1868. It was on the boat from South America to Alameda, California where he met and befriended Juan Salaberri [born in Spain c.1845]. Soon after settling in California, he was joined by his younger brothers, Etienne and William, approximately 1870. Etienne was born January 25, 1854, the age of William is unknown. The three brothers came from Northern California to San Juan Capistrano in the early 1870s, where William died soon after their arrival. Domingo and Etienne, who was still in his teens, set out for Inyo County, where they bought land and raised sheep. The sheep raising business was later moved to Bakersfield. Both brothers worked very hard and Domingo became very prominent. He had a keen eye for climate and soil conditions and when the brothers moved to Orange County in 1878 and settled in San Juan Capistrano, Domingo was convinced that he had found the ideal spot for farming. He invested in real estate, especially ranchland and in 1910 he owned over 4,000 acres of choice land. He planted 150 acres in walnuts, raised large herds of sheep and cattle, and developed a fine irrigation system that reached the remote areas of his ranch, thus greatly enhancing the value of his land

In 1880, Domingo Oyharzabal and Juan Salaberri bought the Yorba Adobe and Casa Manuel Garcia. Soon after this partnership was established, Salaberri married Maria Arambel in Anaheim on January 5, 1885, and started a family.15 While Oyharzabal was most interested in developing farmland and opened the Garcia Adobe as the French Hotel, Salaberri focused mostly on the sheep business. J. Salaberri & Co. regularly shipped thousands of sheep by rail to Chicago. In 1898, due

to a severe drought in southern California, Salaberri reduced his herds significantly, shipping more than 16,000 head of sheep to points across the country, which was more than half of the sheep reduction throughout Orange County.

The California Central Railroad came to San Juan Capistrano in 1887, and agriculture became the economic base of the area, which produced barley, walnuts, and oranges. Domingo's brother, Etienne, became a partner in Domingo's farming and real estate ventures in 1895. The following year, Etienne Oyharzabal married Lucy Darius, a native of France. Juan Salaberri died in 1898, and his teenage daughters, Juanita and Felicita, briefly assumed ownership of their father's share in the property, but the ties between the families were strong and Juanita and Felicita Salaberri continued to live in the upstairs apartment of the French Hotel and remained lifelong friends with the Oyharzabals.

By the early 20th century Domingo and Etienne Oyharzabal were prominent merchants with large farming operations, herds of cattle and flocks of sheep. They had originally made a fortune in the sheep industry, and that money was often invested in San Juan Capistrano real estate.18 However, after 1900 the sheepherding industry declined rapidly due to low tariffs on imported sheep. Instead, Domingo Oyharzabal promoted the new cash crop and organized the Mission Walnut Growers' Association.

The French Hotel closed in 1903, and the building was then converted into a grocery. In the next year, two of Domingo and Etienne's nephews arrived in San Juan Capistrano: Estaban Oyharzabal, Jr., then 27 years old, and his brother, Pedro Oyharzabal, age 22. Estaban became manager of the family's 4,000-acre ranch, and Pedro became a clerk in the grocery. In 1920 they bought a 74-acre ranch on the Capistrano River and leased additional land from their uncle, Etienne Oyharzabal, to grow alfalfa, grains, and walnuts.

In 1913 Domingo Oyharzabal ventured into a new area of real estate development, supervising the construction of a large commercial building at the corner of Alameda and First streets in Los Angeles. However, he died in December 1913, before the project was completed. All the family properties were then owned by Etienne Oyharzabal. The family has continued to hold title to the Domingo Yorba Adobe and Casa Manuel Garcia property. The Domingo Yorba Adobe is now owned and occupied by Eugenie Oyharzabal, surviving widow of Esteban Oyharzabal, Jr.

Historic photographs and Sanborn Fire Insurance Maps inform the property's history in the Twentieth Century. By 1929, when the property was delineated as part of the Sanborn Fire Insurance Survey of San Juan Capistrano, it was depicted as having five principal structures with seven ancillary structures:

- Manuel Garcia Adobe, notated as a studio and novelties shop,
- Domingo Yorba Adobe, notated as a dwelling,

- A 1 ½ story barn (Garage Barn) addressed as 40 ½ and sited west of the Yorba Adobe,
- A single-story shed sited west of the 1 ½ story barn,
- A single-story barn (White Barn) at the northwest corner of the property addressed as 39 ½, and
- Auto garage, corn grinding shed, tool shed, water storage tank, and three additional miscellaneous and unlabeled ancillary structures.

Excepting the water tank house and an unlabeled shed east of the 40 ½ Barn, these structures remained in place through ca. 1982, and are depicted in 1938, 1946, 1952, 1963, and 1972 aerial views. In this timeframe the property additionally featured an orchard at the south lot line / southwest corner, a corral at the west end of the lot, and several trees appearing to have been randomly planted or naturally occurring.

By ca. 2005-2009, all ancillary structures were removed from the property leaving the five principal structures in place. In 2018, the northwest corner barn was declared a public nuisance by the City's Building Official due to unsafe conditions. The barn was required for abatement and repair or demolition, with the condition that the structure be documented via photographs and measured drawings in a manner equivalent to the National Park Service Historic American Buildings Survey (HABS) program. Submission of the documentation package was intended to occur within 180 days of approval of SPR21-004. This documentation of the White Barn was then folded into a formal HABS package registered as HABS No. CA-3011. The Project owner and design team have assessed the condition of the salvaged White Barn materials and have determined that the materials are damaged beyond repair and cannot be reused for the Proposed Project. In ca. 2021-2022, the single-story shed sited west of the Garage Barn was removed. Today, the following structures are extant at the property: Manuel Garcia Adobe, the 1 ½ story Garage Barn sited west of the Yorba Adobe, and Domingo Yorba Adobe. Although the removal of ancillary structures that date to the period of significance and loss of landscape features and plantings have resulted in some reduction of integrity, particularly in the aspect of setting, because the principal buildings - Manuel Garcia Adobe and Domingo Yorba Adobe – are extant, the property still physically conveys its identified significance and association with the heritage, culture, and architecture of the early Californio families that established the Pueblo de San Juan Capistrano. See page 49 for current descriptions of extant structures.

4.4.3.3 Historic Structures Located On-site

The Project Site, which includes the two adobes, defines the Area of Potential Impact (API) and is listed on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City's Inventory of Historic and Cultural Landmarks (IHCL). The HRAR determined that the Project would not cause direct material impacts to any of the historic resources and the rehabilitation of the two adobes were found to be consistent with the Secretary

of the Interior's Standards. A summary on the significance of the Garcia and Yorba Adobes is provided below as detailed within the HRAR.

Casa Manuel Garcia Adobe

The Casa Manuel Garcia Adobe is located on APN 121-150-28 and was constructed circa 1840 by Manuel Garcia, a Portuguese immigrant. The two-story adobe structure, designed in the Monterey style, originally served as both a general store and lodging house, with the ground floor used for commercial activity and the upper floor operating as a hotel for travelers along El Camino Real. The Garcia Adobe has a rectilinear plan measuring 21 feet wide and 75 feet long fronting Camino Capistrano, and is constructed of adobe brick, wood siding, and asphalt shingles. The ground floor contains two large rooms connected by an archway, while the second floor, as originally built, extended only over the southern half of the structure. The Garcia Adobe remains a rare and wellpreserved example of early hospitality and reflects the emergence of commerce along a key transportation corridor during the Mexican and early American periods of California's history. The front of the Garcia Adobe is visually accessible from Camino Capistrano. The rear of the Garcia Adobe is somewhat visually accessible from the railroad tracks and Los Rios Street, although, the non-contributing additions and 330' setback at the rear make visibility challenging.

Domingo Yorba Adobe

The Domingo Yorba Adobe is located on APN 121-150-29 and was constructed circa 1830 by Domingo Yorba, son of Jose Antonio Yorba, one of the early Californio settlers in the region. The Yorba family were prominent ranchers in Orange and San Diego counties. The one-story adobe dwelling is among the oldest extant structures in San Juan Capistrano. The building has a rectangular plan and is constructed of adobe brick with a low-pitched roof, characteristic of Mexican-period architecture. The front of the Yorba Adobe is visually accessible from Camino Capistrano. The rear of the Yorba Adobe is not visually accessible from the railroad tracks and Los Rios Street due to the noncontributing structures, dense landscape, and a 330' setback making the structure obscured from view.

In 1880, Domingo Oyharzabal and Juan Salaberri bought the Yorba Adobe, and Garcia Adobe and opened the Garcia Adobe as the French Hotel.

4.4.4 Method of Analysis

The Proposed Project is premised on retention and rehabilitation of two NRHP, CRHR, and IHCL listed buildings, and offsite relocation and rehabilitation of a third NRHP, CRHR, and IHCL building that is regarded as secondary and non-contributing to the resources onsite. Technical analysis is focused on identifying the period of significance for the extant buildings at the site, determining the level of integrity under that period of significance, and analyzing the Proposed Project description, including the design of each building, for compliance with the Secretary of the

Interior's Standards for Rehabilitation. Compliance with the rehabilitation standards ensures that the Proposed Project would not cause a significant impact to historical resources.

4.4.5 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the project would have a significant impact on cultural resources if it would:

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

Section 6.1, *Impacts Found Not to Be Significant*, substantiates that impacts associated with the following thresholds would be less than significant:

- **Threshold CUL-3**

This issue was analyzed in the Initial Study and determined to result in a less-than-significant impact. Therefore, this impact will not be addressed in the following analysis.

4.4.6 Plans, Programs, and Policies

PPP CUL-1 In the event that human remains (or remains that may be human) are discovered at the Project Site or within the off-site project improvement areas during ground-disturbing activities, the construction contractors, project archaeologist, and/or designated Native American tribal representative shall immediately stop all activities within in the immediate vicinity.. The Property Owner/Project Proponent/Developer shall then inform the Orange County Coroner and the City of San Juan Capistrano Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

If the coroner determines that the remains are of Native American origin, the coroner shall notify the Native American Heritage Commission (NAHC), which will identify the "Most Likely Descendent" (MLD). Despite the affiliation with any Native American tribal representative(s) at the site, the NAHC's identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the Property Owner means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access

to the site. The disposition of the remains will be determined in consultation between the Property Owner and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and median with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the South Coastal Information Center.

PPP CUL-2 **City Council Policy 601.** San Juan Capistrano City Council Policy 601 governs the management, protection, and preservation of the city's archaeological, paleontological, and historic resources. It requires professional monitoring during ground-disturbing activities to prevent the destruction of valuable, unrecorded cultural artifacts.

- **Excavation Monitoring:** An archaeological monitor is mandatory for all excavation activities exceeding 18 inches in depth, unless the Planning Director grants an official exemption.
- **Resource Preservation:** Procedures are enforced for the discovery, recovery, and documentation of any significant cultural or paleontological resources found during construction.
- **Development Review:** Project plans are evaluated by the Cultural Heritage Commission to ensure compliance.

The following sections address various potential impacts relating to cultural resources that could result from implementation of the Proposed Project.

4.4.7 Environmental Impacts

The following sections address various potential impacts relating to cultural resources that could result from implementation of the project.

4.4.7.1 Threshold CUL-1: Historical Resources

Impact Analysis

Listed on the NRHP, CRHR, and the IHCL, Casa Manuel Garcia and the Dominga Yorba Adobe are significant under NRHP / CRHR Criteria A / 1 and C / 3 for their association with the heritage, culture, and architecture of the early Californio families that established the Pueblo de San Juan Capistrano.

The period of significance established for the Casa Manuel Garcia is 1840, upon completion of construction, through 1880, when the second-floor addition and balcony were constructed along the front elevation. The property retains integrity of location, setting, design, materials, workmanship, feeling, and association. With most alterations and additions sited at the rear elevation, and at the north elevation, these additions are readily discernible from the original adobe and its 1880 second floor enclosure and balcony and do not detract from the building's ability to convey its identified significance.

The period of significance established for the Domingo Yorba Adobe is 1830, upon completion of construction, through 1880. The building retains integrity to convey its identified significance with extant orchard and garden uses sited at the rear of the home, within the parcel boundaries, and on the adjacent parcel.

The site has experienced some reduction in integrity due to the loss of ancillary buildings and structures, diminished state of the agricultural animal husbandry uses at the property, and contemporary interventions of asphalt paving and chain link fencing. However, the primary features of the property are the two adobe buildings which remain in place with a high degree of integrity and additions that may be reversed via removal.

The quality of additions differs between the two buildings, with the additions to the Casa Manuel Garcia appearing inferior and structurally deficient. The non-contributing portions of the Domingo Yorba Adobe appear to represent higher quality workmanship at the exterior facades and appear to be better maintained presumably because the building has been continuously occupied as a private residence. Casa Manuel Garcia has housed a mix of uses through time: residential, hotel / rental apartments, and commercial retail, with each use bringing varying levels of deferred maintenance and touch to the building.

The Proposed Project is premised on retention, rehabilitation, and adaptive reuse of two NRHP listed buildings. It has been designed to consider and enhance the historic character of the project area / property while providing for new uses and economic growth opportunities in Downtown San Juan Capistrano. Each building will have a distinct style, including historic adobe aesthetic, agrarian / rustic, and Spanish influenced Neo- Mediterranean Revival. Visitors will enter the site from Camino Capistrano via a drive at the northeast corner of the property. The drive leads to the parking structure (Building 5) at the south end of the property. A pedestrian walkway will lead from the sidewalk at Camino Capistrano, between the two historic adobes into the property. The new three-wing hotel building will be built behind the two historic adobes and will include landscaped walkways connecting the primary hotel building with the Casa Manuel Garcia, the Domingo Yorba Adobe, parking, and dining and event spaces.

Casa Manuel Garcia, a two-story adobe building constructed c.1840, will be rehabilitated. It is the last remaining example of a two-story adobe in the Monterey Revival style in Orange County.

Rehabilitation will enhance the view along Camino Capistrano by restoring the building's historic character. The proposed new accent colors (Sherwin Williams Pure White, Alabaster, Hickory Smoke, and Elephant Ear) and the proposed materials (synthetic wood shake roofing, period appropriate window, door, and sill replacements, retain and repair of existing railings, windows, balcony, and columns) on the adobe will highlight decorative details and 19th century features. The updates will rejuvenate the adobe while maintaining the historic elements. A rebuilt stair serving the upstairs of the adobe will complement the historical architecture, allowing visitors and the public to appreciate the historic adobe while not attempting to be a facsimile of the current non-historic stair condition.

The Proposed Project and associated analysis below is premised on retention and rehabilitation of two NRHP, CRHR, and IHCL listed buildings, and offsite relocation and rehabilitation of a third NRHP, CRHR, and IHCL building that is regarded as secondary and non-contributing to the resources onsite. Technical analysis in the HRAR prepared for the Project is focused on identifying the period of significance for the extant buildings at the site, determining the level of integrity under that period of significance, and analyzing the Proposed Project description, including the design of each building, for compliance with the Secretary of the Interior's Standards for Rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Compliance with these rehabilitation standards ensures that the Proposed Project would not cause a significant impact to historical resources.

The first level of Casa Manuel Garcia will be an ancillary use to the hotel and will re-engage building visitors with Camino Capistrano, consistent with the historic use of the adobe as a hotel building. As discussed in greater detail in the HRAR beginning on Page 85 (see Appendix D), the work proposed at Casa Manuel Garcia is consistent with The Secretary of the Interior's Standards for Rehabilitation and would not result in a significant impact to the historical resource.

The Domingo Yorba Adobe, built c.1830, is also located within the Proposed Project boundary. The Proposed Project calls for rehabilitation of the adobe and involves removal of the rear non-contributing addition and garden. As discussed in greater detail in the HRAR beginning on Page 85 (see Appendix D), the work proposed at the Domingo Yorba Adobe is consistent with The Secretary of the Interior's Standards for Rehabilitation and would not cause a significant impact to the historical resource.

The new hotel will be built behind the two adobes and consists of one building with three wings reflecting a Contemporary aesthetic with vertical board siding and plaster walls, full height glazing at key facades, and stone accents. The rhythmic placement of windows and doors are complemented with decorative details such as stone accent walls, metal railings, and steel window headers. A resort pool at the west end of the property is flanked by the three wings of the hotel building. As discussed in greater detail in the HRAR beginning on Page 85 (see Appendix D), the proposed hotel is regarded as generally consistent with The Secretary of the Interior's Standards.

It is compatible with the historic adobe architecture at Casa Manuel Garcia and the Domingo Yorba Adobe while being sufficiently differentiated and would not cause a significant impact to either historical resource. The use of the vertical board siding ties in with the materials proposed at the two barn structures, Building 2 and Building 5, which provides a reference to the property's history, while differentiating from the two historic adobes.

The historic-era and contributing Garage Barn, sited to the rear of the Domingo Yorba Adobe, will be relocated offsite roughly one-half block north to 31721 Camino Capistrano, as part of the separate Heritage BBQ project, previously approved as Project No. AC23-002. Although built to the period of significance, the barn has been altered and is regarded as a secondary feature at Project Site. As a result, it can be moved to another location without impacting the historic nature of the Yorba Adobe or Garcia Adobe. At its new location, the barn will be rehabilitated and adapted for reuse as a dining area, cold storage, and prep kitchen for Heritage BBQ Smokehouse, an established local business. As part of the Heritage BBQ project, the Garage Barn will be disassembled and reassembled with limited changes to provide for the new proposed use. As discussed in greater detail in the HRAR beginning on Page 85 (see Appendix D), the proposed offsite relocation and reuse will preserve the visual and character-defining features of the resource and is generally consistent with The Secretary of the Interior's Standards for Rehabilitation. The Proposed Heritage BBQ Project (AC23-002) would not cause a significant impact to the Garage Barn as a historical resource. A permit processing package for the Garage Barn relocation project was additionally prepared by Bickel Architecture Group and includes current and proposed elevations of the barn at its new location, showing limited demolition / alterations to rehabilitate and adapt the building for its new use. The project is being processed under a separate Site Plan Review (SPR) process. The Garage Barn relocation package is included in Appendix D of the HRAR (see Appendix D).

A historic-era and contributing barn, the White Barn, was disassembled at the property in 2021. The White Barn was originally sited at the northwest corner of the Proposed Project area and was removed under City of San Juan Capistrano Resolution No. 21-12-21-1 for Site Plan Review (SPR) Project No. 21-004. The barn was documented via photographs and measured drawings consistent with Conditions of Approval issued for SPR 21-004. The Project owner and design team have assessed the condition of the salvaged material and have determined that the materials are damaged beyond repair and cannot be reused for the construction of Building 2, nor can they be integrated into any other building, structure, or space at the Project. The salvaged materials will be advertised for donation prior to disposal at the initiation of Project construction. The White Barn was required for documentation in a manner equivalent to the National Park Service (NPS) Historic American Buildings Survey (HABS) Documentation program. This documentation effort was completed by Spectra and produced a HABS-Short Form for the White Barn, DSLR photographs, and as-built drawings. The Spectra documentation has been added to a HABS Level II documentation package prepared for the Proposed Project which has been registered by NPS as HABS-CA-3011, with sub-

letters assigned to Casa Manuel Garcia (HABS-CA-3011-A), Domingo Yorba Adobe (HABS-CA-3011-B), Garage Barn (HABS-CA-3011-C), and the White Barn (HABS-CA-3011-D).

A screening wall and landscaping has been incorporated in to the Proposed Project to reduce potential noise and light pollution impacts. The landscaped pathways and spaces cohesively connect the Proposed Project elements to create a vibrant and varied complex of historic-era and new buildings that continue to convey the early history of San Juan Capistrano. The existing NRHP, CRHR, and IHCL buildings will retain integrity such that they qualify for continued recognition and listing on these local, state, and national registers. Please refer to Section 4.9, Noise, for a discussion of potential construction related impacts.

Significance of Impact

Less Than Significant Impact.

4.4.7.2 Threshold CUL-2: Archaeological Resources

Impact Analysis

City Council Policy 601 defines a Sensitive Area as "an area that is located immediately adjacent to known sites, and/or an area that historic maps or reference materials indicates the presence of possible artifacts." The results of the cultural record searches and literature reviews indicate that there is a high potential for cultural artifacts (both historic and prehistoric) within the Project site and surrounding area. The development area is therefore considered a Sensitive Area and must comply with the requirements of City Council Policy 601, including on-site monitoring and mitigation enforcement and referral to the Cultural Heritage Commission if artifacts are present.

Based on the cultural records search results from the SCCIC, documented history of the area, review of USGS topographic quadrangle maps and historic USDA aerial photographs, and the positive SLF search results, the Project Site is assessed to have high to very high sensitivity for buried prehistoric and historic archaeological resources. The potential exists for Project-related ground-disturbing activities to result in a direct impact to unique archeological or historical resource should such resources be discovered during Project-related ground-disturbing activities, which would result in a significant impact.

After conducting AB 52 consultation, the Juaneño Band of Mission Indians Acjachemen Nation–Belardes responded to the City's consultation request and requested formal consultation. The Tribe indicated that the Project Site is located within a culturally sensitive area containing multiple known burial sites and village sites within one mile of the Project Site. The Tribe further expressed concern regarding the potential for buried tribal cultural resources to be encountered during ground-disturbing activities and recommended implementation of tribal monitoring, preparation of an inadvertent discovery plan, and establishment of a designated reburial location for the

respectful treatment of any Native American human remains that may be encountered during construction. (see Section 4.11, *Tribal Cultural Resources*) Mitigation measure MM CUL-1 requires that an archaeological monitor and a Tribal representative be present during ground-disturbing activities and identifies steps to be taken to protect any resources encountered. With implementation of mitigation measure MM CUL-1, and MM TCR-1 through TCR-3 potential impacts to archaeological resources would be reduced to a less than significant level.

Significance of Impact

Potentially significant without mitigation.

4.4.8 Cumulative Impacts

The following sections address various potential cumulative impacts relating to cultural resources that could result from implementation of the Proposed Project.

4.4.8.1 Cumulative Threshold CUL-1: Historical Resources

The area of potential effects (APE) means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." 36 CFR 800.16(d). In defining the APE, the HRAR considered potential direct, indirect, and cumulative effects to historic properties and all aspects of integrity, including their associated settings as applicable. Nearby historical resources have been excluded from the API because the Proposed Project would not appear to cause measurable impact or impairment to these resources. The closest historical resource is the neighboring Juan Avila Adobe, sited immediately north of the Proposed Project area at 31831 Camino Capistrano. This property features an intact historic adobe at the front of the parcel (along Camino Capistrano) and compatible contemporary-period construction at the rear in the form of several multi-story buildings housing shops and offices. This pattern of infill development offers precedent for the Proposed Project. A single-story non-contributing addition will be removed from the north elevation of Casa Manuel Garcia to establish an auto drive between Casa Manuel Garcia and the Juan Avila Adobe thereby creating a spatial buffer between the buildings. The scale and height of the non-historic multi-story buildings at the rear of the Juan Avila Adobe would appear to generally match the scale and height of the proposed hotel buildings, Buildings 1A, 2, 3, and 5, in the Proposed Project area.

The southeast portion of the Los Rios Street Historic District faces east towards the Proposed Project area and is separated from the Proposed project area by the existing railroad tracks. However, as the only contributing properties to the district in the vicinity of the Proposed Project are on the east side of Los Rios Street, there would be no impact to the setting of any individual contributing properties or the district as a whole. As such, the Proposed Project would not result

in a cumulatively considerable contribution to a significant cumulative impact to historic resources.

4.4.8.2 Cumulative Threshold CUL-2: Archaeological Resources

Impact Analysis

As discussed under Threshold CUL-2, the Project Site is assessed to have high to very high sensitivity for buried prehistoric and historic archaeological resources. Impacts to previously undiscovered subsurface archeological resources are typically site specific from ground disturbing activities and generally do not combine to result in cumulative impacts, unless resources are identified immediately adjacent to the Project site. There are no related projects immediately adjacent to the development area that could combine to result in a significant cumulative archaeological resources impact. Further site specific archeological resource investigations would be required for other projects before the City would permit ground disturbances or demolition or substantial alteration of existing structures. Such investigations would include some degree of surface-level surveying and identify resources on the affected project sites that are or appear to be eligible for listing on the national or state registers for historic resources. Such investigations would also recommend mitigation measures to protect and preserve cultural resources. Therefore, cumulative impacts to archaeological resources would be less than significant.

Significance of Impact

Less Than Significant Impact.

4.4.9 Level of Significance Before Mitigation

4.4.9.1 Threshold CUL-1: Historic Resources

The Proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

4.4.9.2 Threshold CUL-2: Archaeological Resources

Without mitigation, the Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

4.4.10 Mitigation Measures

CUL-1: Retention of a Native American Monitor Prior to Commencement of Ground-Disturbing Activities (Same as TCR-1).

a) The Project applicant shall retain a Native American Monitor from or approved by the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes. The monitor shall be retained prior to the commencement of any ground-disturbing

activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

b) A copy of the executed monitoring agreement shall be submitted to the (City) prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence ground disturbing activity.

c) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant upon written request to the Tribe.

d) On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Tribe or Tribal monitoring agency from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve the Project are complete; or (2) a determination and written notification by the Tribe or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

4.4.11 Level of Significance After Mitigation

4.4.11.1 Threshold CUL-2: Archaeological Resources

With implementation of mitigation measure MM CUL-1, potential impacts to archaeological resources would be reduced to less than significant levels. No significant and unavoidable impacts would remain.