

## 4.5 CULTURAL RESOURCES

This section discusses the potential for cultural resources to occur on the project site and evaluates the proposed project's potential impacts on these resources. A detailed summary of cultural resources is included in a report prepared for the project applicant by Archaeological Resource Service, a Petaluma-based firm.<sup>1</sup> A full copy of the report is available as part of the project application at City Hall. The report was used to prepare this section of the EIR.

### *A. Regulatory Framework*

There are several federal and State laws and regulations applicable to historical and architecturally-significant resources, as well as archaeological and paleontological resources. The key regulations are discussed briefly below.

#### **1. National Historic Preservation Act**

While Congress has enacted numerous statutes that affect historic properties, the National Historic Preservation Act (NHPA) of 1966 is the most influential federal law dealing with historic preservation. One of the most important provisions of the NHPA is the establishment of the National Register of Historic Places (NRHP), the official designation of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering and culture. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under criterion A (history), B (persons), or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in the planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. The NRHP is influential beyond its

---

<sup>1</sup> Archeological Resource Service, 2004, *A Cultural Resources Evaluation of*

statutory role because it achieves uniform standards of documentation and evaluation. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA. According to a search of the National Park Service's on-line NRHP database, there are no listed National Register properties on or adjacent to the project site.<sup>2</sup>

## 2. California Register of Historic Resources

The California Register of Historical Resources establishes a list of those properties which are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the California Register if it meets any of the following criteria:

- ◆ It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- ◆ It is associated with the lives of persons important in California's past.
- ◆ It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
- ◆ It has yielded or is likely to yield information important in prehistory or history.

The Register includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Com-

---

*the Proposed East Washington Place Project, Petaluma, Sonoma County*, October.

<sup>2</sup> National Park Service, National Register of Historic Places, [http://www.nr.nps.gov/iwisapi/explorer.dll?IWS\\_SCHEMA=NRIS1&IWS\\_LOGIN=1&IWS\\_REPORT=100000039](http://www.nr.nps.gov/iwisapi/explorer.dll?IWS_SCHEMA=NRIS1&IWS_LOGIN=1&IWS_REPORT=100000039), accessed on December 1, 2005.

mission procedures, and local landmarks or historic properties designated under local ordinance.<sup>3</sup>

### **3. Health and Safety Code, Section 7052 and 7050.5**

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).<sup>4</sup>

### **4. California Native American Historical, Cultural and Sacred Sites Act**

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons mostly likely to be descended from the Native American remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.<sup>5</sup>

### **5. Public Resource Code, Section 5097**

Public Resources Code, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins,

---

<sup>3</sup> [http://ceres.ca.gov/topic/env\\_law/ceqa/more/tas/page2.html](http://ceres.ca.gov/topic/env_law/ceqa/more/tas/page2.html), accessed June, 28, 2005.

<sup>4</sup> <http://ceres.ca.gov/nahc/statepres.html>, accessed June, 28, 2005.

<sup>5</sup> <http://www.arrowheads.com/burials.htm#CALIFORNIA>, accessed June, 28, 2005.

burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State or any city, county, district, authority or public corporation, or any agency thereof. Consequently, Petaluma is required to comply with Public Resource Code Section 5097.5 for its activities on publicly-owned land.<sup>6</sup>

## 6. City of Petaluma General Plan Policies

The Community Character Element in the City's existing General Plan and the Community Design, Character, and Sustainable Building Element in the proposed 2025 General Plan include several policies and programs that seek to protect the city’s cultural, historical and archaeological resources. Relevant policies are included in Table 4.5-1.

### *B. Existing Conditions*<sup>7</sup>

#### 1. Regional Cultural Setting

##### a. Native American Peoples

Radiocarbon tests indicate settlement in the Petaluma region by Native Americans as far back as 9,000 years.<sup>8</sup> The Coast Miwok people occupied an

---

<sup>6</sup> <http://www.dot.ca.gov/ser/vol1/sec3/physical/Ch08Paleo/chap08paleo.htm#statelaws>, accessed June 28, 2005.

<sup>7</sup> Bedolla, Elizabeth, 2004, *A Cultural Resources Evaluation of the Proposed East Washington Place Project, Petaluma, Sonoma County, CA*. ARS Project 04-092.

<sup>8</sup> Chattan, Cassandra, 2003, *An Evaluation of Cultural Resources Along the Proposed Petaluma Trolley Master Plan Project, Petaluma, Sonoma County*, ARS 01-048.

TABLE 4.5-1 **PETALUMA GENERAL PLAN POLICIES AND PROGRAMS —  
CULTURAL RESOURCES**

Policy/ Program Number	Policies and Programs
<b>Existing General Plan</b>	
<i>Community Character Element</i>	
Policy 29	The City shall take all possible precautions to insure that no action by the City results in the loss of the irreplaceable archeological record present in the City's jurisdiction.
Program 27	Protect designated architecturally and/or historically significant areas, and require infill developments to be architecturally compatible with their surroundings.
Policy 28	The City shall cooperate with the CAI (California Archeological Inventory) in the development of information which will allow the predication with a high probability of those areas likely to contain archeological remains.
	All development applications and public projects that require EIRs will routinely be sent to the "California Archeological Inventory - Northwest Information Center" at Sonoma State University for review and recommendations regarding archeological findings.
Program 39	The City has a map that shows areas where archeological finds may be anticipated, with probabilities listed as high, medium, and low. In those areas identified as having a high or medium probability of archeological remains, projects on City land or those requiring the issuance of permits by the City will be investigated during plan review to determine whether valuable archeological remains will be affected by the project. On the discovery of findings, development will be halted until professional archeological examination and preservation is accomplished. Information developed through this process will be used to refine the map.
Program 41	Amend the General Plan Land Use Map to preserve archeological qualities where the proposed use is incompatible with the significance of the site.
Program 42	Where an archeological site is in proximity to a project under review, City staff in conjunction with CAI will determine the qualities to be preserved and the methods of preservation.

TABLE 4.5-1 **PETALUMA GENERAL PLAN POLICIES AND PROGRAMS —  
 CULTURAL RESOURCES (CONTINUED)**

Policy/ Program Number	Policies and Programs
<b>Proposed General Plan</b>	
<i>Community Design, Character and Sustainable Building Element</i>	
Policy 3-P-7	Protect significant historic and archaeological resources for the aesthetic, educational, economic, and scientific contribution they make to Petaluma’s identity and quality of life.
Policy 3-P-7(E)	The loss of existing and potential historic structures shall be minimized through strict enforcement of City policies requiring proposed demolition be reviewed by the Historic and Cultural Preservation Committee. All means shall be used to encourage preservation and/or adaptive reuse or restoration of structures built in 19 or earlier (Resolution 00 -198 N.C.S. as thereafter amended).
Policy 3-P-7(F)	Ensure the protection of known archaeological resources in the city by requiring a records review for any development proposed in areas that are considered archaeologically sensitive for Native American and/or historic remains.
Policy 3-P-7(G)	In accordance with CEQA and the State Public Resources Code, require the preparation of a resource mitigation plan and monitoring program by a qualified archaeologist in the event that archaeological remains are discovered.

area that includes modern day Marin and southern Sonoma County. These peoples are believed to have moved into the Petaluma area approximately 3,000 to 3,500 years ago. They utilized wetland areas in particular, collecting shellfish and plants from the tidal estuaries and tributaries. The area around Petaluma River is marked by the presence of midden soil deposits, including marine shells and animal bones, as well as shell, stone and bone jewelry and implements. Two villages were found in the Petaluma area, *E'tem*, located in the old town of Petaluma and *Tutcaiy'lin*, located 1 mile northwest of old town Petaluma. The project site is approximately 1 mile to the northeast of the old town section of Petaluma.

b. Historical Background

In the late 1700's to early 1800's, various expeditions were led through the Petaluma area. In 1823, a mission was founded in Sonoma. Mariano Guadalupe Vallejo was sent by the Mexican government to Sonoma to oversee settlement in the area. In 1834, he applied for ten square leagues, the Petaluma Rancho, as his personal property. The Petaluma land grant stretched from San Pablo Bay on the South, Petaluma Creek on the West, and Sonoma Creek on the East.

In 1850, the first European settlers set up a hunting camp on the banks of the Petaluma River. They eventually built a trading post, which is speculated to have existed on the site which became Cedar Grove Park. By 1853, a street pattern was developed, lots designated and a wharf built at the end of present day Western Avenue. A drawbridge was constructed in 1857 across the river at Washington Street; the following year the town became incorporated.

In 1870, a railroad was built which headed to Santa Rosa. These tracks passed approximately ½-mile to the southwest of the project area. The late 1800's saw Petaluma developed with poultry hatcheries and farms. The river was dredged and straightened, which allowed better ship passage. During the early 1900's, the river industry thrived and warehouses were constructed along the river.

**2. Project Site Setting**

The project site has been privately owned since 1877. The 1942 and 1953 United States Geologic Survey (USGS) Quadrangle Maps indicate no structures on the project site at those times, but the majority of the area was planted with orchards. The 101 freeway was constructed in the 1950's and the on and off ramp was constructed just north of the parcels. The site was graded sometime after 1953 to allow for the construction of the Kenilworth Junior High School and associated uses.

a. Historical Resources

As part of the historic resources literature search for the cultural study, historic maps and other references showing this area of Petaluma were reviewed. In addition, an examination of the project site found no significant historic structures; the site is covered mostly with modern structures, asphalt and sod for playing fields. As a result, there are no known historic resources on the project site. However, since the site has been privately-owned for over 100 years, there is the potential for historic subsurface resources.

b. Archeological Resources

A records search of the Northwest Information Center of the California Historical Resources Information System (CHRIS) as well as at Archeological Resource Service (ARS) indicated the absence of known cultural resources. In addition, the majority of the site has been graded in the past, and no records of archaeological resources being identified during grading are known. Although the project site has not previously been evaluated for archeological resources, there have been many studies conducted within a ½-mile of the site. Two evaluations of a parcel 500 feet from the project site found no cultural materials. Native American midden sites, though, have been recorded within a 1-mile radius from the project site. The closest previously recorded prehistoric site is known as the Cedar Groves site. This site consists of prehistoric midden deposits on the west bank of the Petaluma River. Various archeological studies in the area indicate that prehistoric deposits are likely to be near waterways, and historic structures may exist in other areas of Petaluma.

c. Paleontological Resource

A records search using the University of California's Museum of Paleontology web site<sup>9</sup> indicated that no paleontological resources exist on the project site itself. Also, since the site is already graded and used for urban purposes, there is a very low possibility of finding any paleontological resources on the

---

<sup>9</sup> <http://www.ucmp.berkeley.edu/collections/catalogs.html> Search conducted June 14, 2006 by DC&E.

site. The nearest resource to the project site is approximately 1 mile northeast at a location known as “Ducker Ranch;” the identified species is of the mammal class. The next-closest resource is approximately 3 miles northeast at a location known as “Petaluma Pipeline;” there are three identified species here: two in the mammal class and one in the reptile class.

### *C. Standards of Significance*

The proposed project would have a significant impact with regard to cultural resources if it would:

- ◆ Cause a substantial adverse change in the significance of a historical resource.
- ◆ Cause a substantial adverse change in the significance of an archaeological resource.
- ◆ Disturb any human remains, including those interred outside of formal cemeteries.
- ◆ Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

### *D. Impact Discussion*

For the following analysis, both the existing and proposed General Plans were reviewed to determine whether there would be different conclusions under either Plan. Unless otherwise stated below, the following impact analysis and its conclusions would apply under either General Plan scenario.

#### **1. Historic Resources**

While there are no existing historic structures on site, since it is known that the project site has been privately owned since 1877, it is possible that historic underground materials or features may be found and damaged during excava-

tion and construction on the parcel, which would be a *significant* impact to these resources if they are found to be historically significant.

## **2. Archaeological and Paleontological Resources and Human Remains**

As mentioned before, the literature search and surface examination found no archaeological resources in the area, nor is there a high potential for paleontological resources to be found on-site. Therefore, it is unlikely that implementation of the project would affect archaeological and paleontological resources, including human remains. However, there is the possibility of subsurface or buried archaeological or paleontological materials or unknown human remains which may be present in the area. These materials could be disturbed during activities related to the construction of the project, which would be considered a *significant* impact.

## **3. Cumulative Impacts**

A list-based approach has been used for this cumulative analysis. The analysis considers the development projects listed in Appendix C (Cumulative Projects) and whether this project would have significant cumulative impacts on Petaluma's cultural resources in combination with the cumulative projects.

Cultural resources such as historical, archaeological and paleontological resources in Sonoma County could be cumulatively impacted by future development and related construction activities in the region. However, most impacts would be mitigated at an individual project level, by current State and federal regulations, as well as other local and County regulations. Such regulations and mitigation include the monitoring of construction sites in proximity to known resources, immediate cessation of construction activity upon discovery of unidentified human remains and the protection of cultural resources. The combination of the above-mentioned efforts would reduce potential cumulative impacts related to cultural resources in the Petaluma area to a less-than-significant level. As a result, as the proposed project would reduce its potential impacts to cultural resources to a *less-than-significant* level and therefore is not anticipated to be a significant, cumulative cultural re-

sources impact, the proposed project *would not contribute to a significant cumulative* impact to cultural resources.

#### *E. Impacts and Mitigation Measures*

**Impact CUL-1:** Subsurface or buried archaeological, historical, paleontological materials and/or human remains may be discovered during construction, grading, trenching or other activities associated with implementation of the proposed project. Destruction or disturbance of such undiscovered resources constitutes a *significant* impact.

Mitigation Measure CUL-1a: If evidence of archeological, historical, paleontological artifacts and/or human remains are discovered during construction, all operations within an area at and adjacent to the discovered site should halt until a qualified archeologist determines the extent and significance of the finds and recommends appropriate mitigation measures.

Mitigation Measure CUL-1b: If human remains are discovered during construction, all construction and excavation activity should cease and the county coroner should be notified, pursuant to Section 7050.5 of California's Health and Safety Code. If the remains are of a Native American, the coroner must notify the California Native American Heritage Commission within 24 hours, which in turn will inform a most likely descendent pursuant to Section 5097.98 of the State Resources Code. The descendent will recommend the appropriate disposition of the remains and any associated grave goods.

Significance After Mitigation: *Less than significant.*

CITY OF PETALUMA  
EAST WASHINGTON PLACE EIR  
CULTURAL RESOURCES