

APPENDIX C
Cultural Resources Letter Report

September 3, 2015

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***Subject: Cultural Resources Negative Letter Report for the Five Lagunas Project,
City of Laguna Hills, Orange County, California***

Dear Mr. McPherson:

This letter documents the cultural resources study conducted by Dudek for the Five Lagunas Project (Project), located in the City of Laguna Hills, Orange County (Figure 1). The Project, which is part of the Urban Village Specific Plan (UVSP), includes the redevelopment of the existing Laguna Hills Mall property through the partial demolition and reconstruction of the southern portion of the central mall building (the location of the former Sears store), the construction of new commercial spaces on development pads, and development of high-density multifamily dwelling units. This study was performed in accordance with the California Environmental Quality Act (CEQA) as an update to existing environmental documentation regarding the UVSP. The City of Laguna Hills (City) is the lead agency responsible for compliance with CEQA. This study included a records search performed at the South Central Coastal Information Center (SCCIC), a search of the Sacred Lands File at the Native American Heritage Commission (NAHC), and a pedestrian survey of the site. No cultural resources were identified on the Project site, and the search of the confidential Sacred Land File did not identify the presence of any Native American cultural resources. Subsequent Native American outreach letters have yet to yield any responses. The Project site is completely developed, and no intact ground surfaces were observed. Based on the extent of development and disturbances related to the development, there is a very low probability that intact cultural resources are present at the site.

PROJECT DESCRIPTION AND LOCATION

The 240-acre Urban Village area is generally bounded by Interstate 5 to the north and east, Paseo De Valencia to the south and west, and Los Alisos Boulevard to the south and east. The Project site (area of potential effect or APE) is limited to an approximately 68-acre subarea located within the UVSP. The irregularly shaped site is generally bounded by Avenida De La Carlota and Interstate 5 to the northeast, Calle De Los Caballeros and the Oakbrook Village shopping

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center to the southeast, the Orange County Transportation Authority Laguna Hills Transportation Center to the south, Calle De La Louisa and the Saddleback Memorial Medical Center campus to the southwest, and El Toro Road and Laguna Hills City Hall to the northwest (Figure 2). Currently, the Laguna Hills Mall property consists of the central, enclosed mall structure and six outlying buildings housing retail, dining, and professional services. The mall site consists of the following Assessor's Parcel Numbers: 616-031-11, -13, -18; 616-032-04, -09, -10; 620-491-01, -02, -03, -06, -07, -08, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19; 620-492-01; 621-051-25, -29, -33, -34, -35; 621-141-13, -24, -27, -29, -33, -36, -46, -48, -49, -50, -51, -53, -54, -55, -57, -58, -59, -66, -68, -71, -73, -74, -75, -81; 620-491-04, -05.

REGULATORY FRAMEWORK

California Environmental Quality Act

CEQA requires that projects not specifically exempted be evaluated for the potential to impact the environment, including effects to historical resources (including historical-era and prehistoric archaeological resources and built-environment resources). Historical resources are recognized as part of the environment under CEQA. California law defines historical resources as "any object, building, structure, site, area, place, record, or manuscript which 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)).

Lead agencies have a responsibility to evaluate potential historical resources against the California Register criteria before making a finding as to a proposed project's impacts to historical resources. Identification of potentially feasible mitigation measures for significant impacts is required if the proposed project will cause substantial adverse change. Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. While demolition and destruction are fairly obvious significant impacts, it is more difficult to assess when change, alteration, or relocation crosses the threshold of substantial adverse change. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource's significance.

The California Register is used in the consideration of historical resources relative to significance for purposes of CEQA. The California Register includes resources listed in, or formally determined eligible for, some California State Landmarks and Points of Historical

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Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise.

Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (California Public Resources Code, Section 5024.1; 14 CCR 4852), which follows the lead of federal law (36 CFR 60.4), consisting of the following:

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.
2. It is associated with the lives of persons important to local, California, or national history.
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.
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.

A “unique” archaeological resource, as defined by the California Public Resources Code, Section 21083.2, may be considered significant under CEQA and, if identified, defined mitigation appropriately implemented. As used in this letter report, “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. It contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. It has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. It is directly associated with a scientifically recognized important prehistoric or historic event or person.

In the event that Native American human remains or related cultural material are encountered, Section 15064.5(e) of the CEQA Guidelines (as incorporated from California Public Resources Code Section 5097.98) and California Health and Safety Code Section 7050.5 define the

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subsequent protocol. In the event of the accidental discovery or recognition of any human remains, excavation or other disturbances shall be suspended on the site or any nearby area reasonably suspected to overlie adjacent human remains or related material. Protocol requires that a county-approved coroner be contacted in order to determine if the remains are of Native American origin. Should the coroner determine the remains to be Native American, the coroner must contact the NAHC within 24 hours. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code Section 5097.98 (14 CCR 15064.5(e)).

Urban Village Specific Plan

The UVSP, adopted by the City in 2002 and amended in 2011, increased the development intensities of the UVSP area. The UVSP, as amended, references an additional 300,000 square feet of new retail uses, a 250-room hotel, 200 dwelling units, and 380,000 square feet of office uses anticipated within the UVSP area. However, these specifications are not treated as mandatory development ceilings because a mixture of various new land uses may be developed, depending on several factors.

The UVSP regulates development within the Village Commercial zoning district area of Laguna Hills, which includes the Project site, through a land use plan, design guidelines, and land use regulations. The purpose of the UVSP is to develop a community core in which a variety of public, regional commercial, retail, recreational, hotel, medical and general office, and high-density residential uses work in concert to create an urban village.

SOUTH CENTRAL COASTAL INFORMATION CENTER RECORDS SEARCH

A records search of the APE and a surrounding 1-mile radius was completed by Dudek archaeologist William Burns on August 6, 2015, at the SCCIC. This search included the SCCIC's collection of mapped prehistoric, historical, and built-environment resources, Department of Parks and Recreation Site Records, technical reports, archival resources, and ethnographic references. Additional sources consulted include the National Register of Historic Places, California Inventory of Historical Resources/California Register of Historic Resources and listed Office of Historic Preservation (OHP) Archaeological Determinations of Eligibility, California Points of Historical Interest, and California Historical Landmarks.

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Previously Conducted Studies

SCCIC records indicate that 40 previous cultural resources technical investigations have been conducted within 1 mile of the APE. Of these, two studies are known to have directly encompassed the entire APE of the current Project (Table 1). Neither study surveyed the APE, however, since both studies were performed after construction of the mall.

Table 1
Previous Technical Studies That Have Included the APE

Report Number	Author	Year	Company	Title
OR-00254	Whitney-Desautels, N.A.	1977	—	Archaeological Report of the Aliso Creek Specific Plan-Planning Unit 1 Located in the El Toro and Laguna Hills Area of the County of Orange
OR-01344	Rosenthal, J.	1993	LSA	Cultural Resources Element, City of Laguna Hills, Orange County, California

Previously Identified Cultural Resources

No cultural resources have been previously identified within the APE, but 10 sites, isolates, and built-environment resources have been recorded within the surrounding 1-mile records search area (Confidential Appendix A). The nearest resource to the APE is P-30-177517, the Taj Mahal Medical Center, which is located immediately south of the site. No other resources are within 500 meters (1,640 feet) of the APE. Based on a review of the reports listed in Table 1 and the site records available at the SCCIC, all of the prehistoric resources in the APE have been destroyed by development, resulting in a determination that there is a very low probability that intact cultural resources are present at the site.

Dudek reviewed historical aerials (available since 1938) and topographic maps (available since 1902). These maps and aerial photographs did not indicate the presence of historical built-environment resources within the APE.

NATIVE AMERICAN HERITAGE COMMISSION SACRED LANDS FILE SEARCH

Dudek requested a NAHC search of its Sacred Lands File in August 2015 for the Project area. The NAHC responded in a letter dated October 1, 2015 stating that its search did not indicate the presence of Native American traditional cultural place(s) within this area or the surrounding 1-mile buffer (Confidential Appendix B). The NAHC additionally provided a list of Native

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American tribes and individuals/organizations that might have knowledge of cultural resources in this area.

TRIBAL REPRESENTATIVE CORRESPONDENCE

Following the NAHC response, letters were sent to the listed tribal representatives with the intent of requesting information, opinions, or concerns relating to the Project impacts (Confidential Appendix B). These letters contained a brief description of the Project, reference maps, and a summary of the NAHC Sacred Land File search results. No responses to these outreach attempts have been received to date. The lead agency will be provided with any responses should they be received from tribal representatives.

METHODS

Intensive Pedestrian Survey

Dudek Archaeologist William Burns surveyed the APE on August 6, 2015. No archaeological or built-environment artifacts or features were identified. The entire APE contains buildings (the mall and associated buildings) and existing paved parking lots, which allowed for no direct observation of the native ground surfaces.

All areas of the APE have been previously disturbed through grading for the mall, parking lot, and presumably installation of underground utilities (including sewer, water, electrical, and cable). There is a very low probability that intact subsurface cultural deposits or features are present within the Project area as currently designed.

SUMMARY AND MANAGEMENT CONSIDERATIONS

Dudek's Phase I cultural resources inventory of the Project area suggests that there is a very low probability for the inadvertent discovery of intact cultural deposits during earthwork activities. The SCCIC records search, NAHC Sacred Lands File search, and cultural pedestrian survey did not indicate that cultural resources are within the APE. All Project-related earthwork will be within areas previously disturbed by construction of the mall. Based on this information, there is a very low probability of encountering cultural resources of significance during construction activities and no impact to cultural resources will occur as a result of implementation of the Project.

No further cultural efforts or mitigation, including cultural construction monitoring, are recommended to be necessary in support of implementation of the current Project. Although

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there is no evidence that the Project would cause significant impacts to cultural resources, including archeological materials, and no further actions are required prior to or during Project construction, we recommend that in the highly unlikely event that such resources material should be identified by project personnel during earthwork activities, work in the immediate vicinity of the find should be temporarily halted, and both the City and a qualified archeologist should be consulted to assess the unanticipated find, and evaluation efforts, if necessary, of this resource per existing federal, state, and local laws and regulations should be initiated. Should human remains be discovered, work should be halted in that area and procedures set forth in the California Public Resources Code (Section 5097.98) and California Health and Safety Code (Section 7050.5) will be followed, beginning with notification to the City and county coroner. If Native American remains are present, the county coroner will contact the NAHC to designate a most likely descendent, who will make recommendations for the dignified disposition and treatment of the remains.

Should you have any questions relating to this report and its findings, please do not hesitate to contact me directly.

Respectfully submitted,



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cc: *Rachel Struglia, Dudek*
Collin Ramsey, Dudek
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Att: *Figure 1: Regional Map*
Figure 2: Vicinity Map
Appendix A: SCCIC Records Search Results
Appendix B: NAHC Search Results and Tribal Correspondence

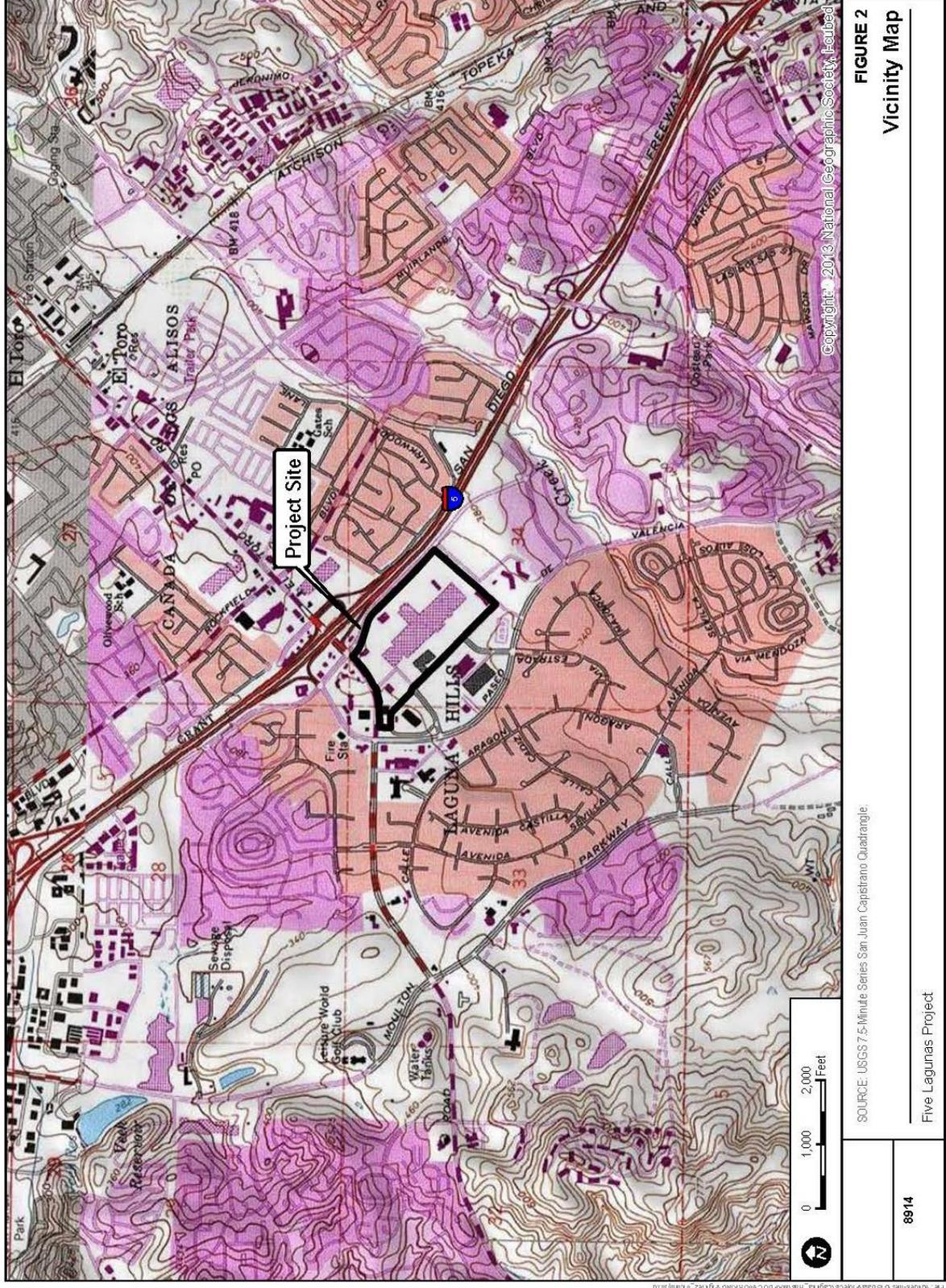
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APPENDIX A (CONFIDENTIAL)

SCCIC Records Search Results

APPENDIX B (CONFIDENTIAL)

*NAHC Sacred Lands File Search
and Tribal Correspondence*

