

4.4 CULTURAL RESOURCES

This chapter discusses existing conditions on the Project site and in the vicinity and analyzes potential impacts to cultural resources that could result from buildout of the Project. Cultural resources include historically and architecturally significant resources, as well as archaeological and paleontological resources, and human remains.

4.4.1 ENVIRONMENTAL SETTING

4.4.1.1 REGULATORY FRAMEWORK

This section describes the policies and regulations that apply to cultural resources in the City of Daly City. Given that an Initial Study was prepared (Appendix A of this Draft EIR) and found that there would be no impacts to historical structures, the regulatory framework does not include federal or State regulations governing nationally or State recognized historical resources.

State Regulations

California Environmental Quality Act (CEQA)

Section 15064.5 of the CEQA Guidelines states that a project which may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment. The CEQA Guidelines define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- The resource is listed in or determined eligible for listing in the California Register of Historical Resources, as determined by the State Historical Resources Commission.
- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in the light of the whole record.
- The lead agency determines that the resource may be a historical resource as defined by the Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5) which means, in part, that it may be eligible for inclusion on the California Register.

In addition, Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources. If it can be

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demonstrated that a project will damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The Public Resources Code also details required mitigation if unique archaeological resources are not preserved in place.

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

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 County 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 Heritage Commission (NAHC).

California State Senate Bill 18

Senate Bill (SB) 18, which went into effect January 1, 2005, set forth requirements for local governments (cities and counties) to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy prior to the making of individual site-specific, project-level land use designations by a local government. Under SB 18, local governments are required to conduct consultation with California Native American tribes when a General Plan Amendment occurs or if open space is being developed for the first time.

Local Regulations

City of Daly City 2030 General Plan

The Resource Management Element of the 2030 General Plan defines cultural resources as: “Resources created by humans, that through events and places located within an area, describe the historic events that have contributed to the present culture of the City.”¹ The Resource Management and Land Use Elements contain policies to protect historical and archaeological resources. These policies can be found in Table 4.4-1.

¹ City of Daly City, 2013. Daly City 2030 General Plan, page 178.

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TABLE 4.4-1 CITY OF DALY CITY GENERAL PLAN POLICIES RELEVANT TO CULTURAL RESOURCES

Policy Number	Policy
Policy RME-19	Undertake measure to protect and preserve historic and archaeological resources.
Policy RME-20	Recognize the physical differences between different parts of the City and regulate land uses within these areas accordingly (same as Policy LU-7).
Policy LU-19	Archaeological resources should be preserved where possible.

Source: City of Daly City, Daly City 2030 General Plan, March 25, 2013.

4.4.1.2 EXISTING CONDITIONS

This section provides an overview of the history of the City of Daly City and of resources of historical significance that may be affected by the Project.

History of Daly City²

The City of Daly City is located in the northwest corner of San Mateo County and shares a border with the City and County of San Francisco to the north, Pacifica to the south, and South San Francisco, Colma, and Brisbane to the east. West of Daly City is the Pacific Ocean. In general, Daly City is highly urbanized with residential, commercial, and institutional land uses. Most of the open space in the city is located along the coastline.

Studies indicate that San Mateo County may have inhabited between 3,500 and 2,500 B.C. Recent history shows that the area has been inhabited by the Ohlone Indian Tribe, Spanish, and Mexicans.

Native American Period

The Ohlone Tribe primarily occupied the coastline in the San Francisco Bay Area, stretching from San Francisco to Monterey Bay. The Ohlones concentrated near inland villages located on the Colma and San Bruno Creeks, as well as a seasonal village on the coast at Mussel Rock. The Ohlone were known to hunt deer, rabbits, fish, wild geese, and ducks in addition to gathering food such as nuts, roots, berries, and shellfish such as mussels and clams. Most of the fishing was done on the inland bay areas, while the coast provided sea otters and seals.

Spanish Period

Considered the first Europeans to reach the San Francisco Bay Area, Spanish explorers, led by Juan Bautista de Anza in 1776, established the Mission of San Francisco de Asis (Mission Dolores). The primary route between Mission Dolores and other missions was El Camino Real (now called Mission Street), which runs through Daly City.

² City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-1 to 3.4-2.

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Mexican Period

Between 1822 and 1848, under the Mexican rule of California, land was issued to individuals including cattle ranchers and hides and tallow traders. Daly City was part of three land grants, including “Rancho Buri Buri,” which was one of the largest grants within the Peninsula.

American Period

In 1868, John Daly had purchased approximately 250 acres in Daly City and was the owner and operator of the San Mateo Dairy. As such, he would eventually become a prominent figure in the area, eventually having the city named after him in 1911 when the City became incorporated.

As a result of the 1906 earthquake, population surged in the areas surrounding Daly’s ranch as he opened his land for emergency use by victims and people seeking refuge from the earthquake and fires. Eventually, a small community formed near Daly’s ranch and he ended up subdividing his land in 1907, leading to the City’s first residential subdivisions, known as Crocker Neighborhood today.

The largest surge in population occurred after World War II. Henry Doelger purchased 600 acres of sand dunes and cabbage patches along the western edges of the City and was annexed in 1948, which subsequently developed into what is known today as the Westlake Community. Doelger would continue to develop the area with thousands of homes, and several shopping centers.

History of the Project Site

The Project site was originally developed in the 1960s and 1970s³ and contains a main shopping center, surface parking lot, and several one-story buildings along the site’s periphery. The majority of the Project site is developed; however, the southwestern corner of the Project site, at Serramonte and Callan Boulevards, is steeply sloped and vegetated, with the exception of the upper reach of this area which has previously been graded and is relatively flat.

Historical Resources

There are no sites in the city listed on the National Register of Historic Places; however, there are two structures that are eligible for inclusion on the National Register, including the Cow Palace and the Crocker Masonic Lodge. The Cow Palace is located at 2600 Geneva Avenue, which is approximately 6.5 miles northeast of the Project site. The Crocker Masonic Lodge is located at 17 Hillcrest Drive, which is approximately 4.2 miles north of the Project site.

³ City of Daly City, 2013. *Daly City 2030 General Plan*, page 9.

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The Cow Palace is owned by the State of California and operates as an indoor arena on an approximately 70-acre site. It was completed in 1941 as part of the federal Government's Workers Progress Administration, and originally served as a livestock exhibition center. During World War II, it was rented by the federal Government to house soldiers.⁴

The Crocker Masonic Lodge was built circa 1936 and is currently used by the Freemason Organization as Crocker Lodge Number 212. The Masonic Lodge is on a plot of land once occupied as the San Mateo Dairy. John Daly, who once owned the property, eventually subdivided the land in 1907 and developed the first large-scale housing development in Daly City.⁵

Approximately 46 other properties have been identified as having potential historic value at the local level, the closest of which is Seton Medical Center⁶, located approximately 0.4 miles northwest of the Project site (across Highway 1).

Archaeological Resources

According to the Daly City 2030 General Plan EIR, 58 cultural resource studies have been conducted in and around the City, consisting of a mixture of architectural and archaeological studies generally concentrated around the Interstate 280 (I-280) corridor, the coastal margin, and the periphery of San Bruno Mountain.⁷ As a result of the studies, several areas have uncovered archaeological resources attributed to Native American history, located in generally in the northern part of San Mateo County and close proximity to sources of water, wetlands, coastal terraces, and sheltered valleys.⁸

Paleontological Resources

The University of California Museum of Paleontology specimens list contains more than 300 localities where fossils have been found throughout San Mateo County. One such locality is located in Daly City at Mussel Rock; however, exact locations of the fossils are not provided in order to protect the paleontological resources. Two fossilized plant species have been found in that location, including the *Pseudotsuga taxifolia* and *Pinus masonii*.⁹ Mussel Rock is located approximately 2.2 miles west of the Project site.

4.4.2 STANDARDS OF SIGNIFICANCE

An Initial Study was prepared for the Project (see Appendix A of this Draft EIR). Based on the analysis contained in the Initial Study it was determined that development of the Project would not result in significant environmental impacts per the following significance criteria and therefore, are not discussed in this chapter.

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.

⁴ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-4.

⁵ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-4.

⁶ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-3.

⁷ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-2.

⁸ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-3.

⁹ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-5.

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Based on the Initial Study it was determined that the Project could result in a significant cultural resources impact if it would:

1. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
2. Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature.
3. Disturb any human remains, including those interred outside of formal cemeteries.

4.4.3 IMPACT DISCUSSION

This section analyzes potential Project-specific and cumulative impacts to cultural resources.

CULT-1	The Project would not cause a substantial adverse change in the significance of an archaeological resource.
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The Project would have a significant impact if it caused a substantial adverse change in the significance of an archaeological resource. The Project would include renovations and expansion of the existing Serramonte Shopping Center, which would require some grading and trenching for the rerouting of utilities. As mentioned in the existing conditions section of this Chapter, archaeological studies have revealed several artifacts of the Ohlone Tribe. Artifacts recovered have included human remains, cooking and food preparation tools, hunting and fishing items, shell jewelry, and mammal remains, dating back to approximately 1500 A.D.¹⁰ However, these artifacts have been found primarily in areas near streams, creeks, wetlands, and coastline. Given the Project site is not located in the immediate vicinity of the coastline, streams, or wetlands, and the fact it has previously been developed, the Project would not likely cause a substantial adverse change in the significance of an archaeological resource.

Nonetheless, the possibility remains that unknown archaeological resources could be discovered or damaged during ground-disturbing activities near the southwest corner of the Project site where the proposed medical buildings would be located. However, State regulations, and Mitigation Measure CULT-1, would provide protective measures that would be taken if resources are uncovered during construction. Additionally, compliance with CEQA Guidelines Section 15064.5(f) would require that construction activities halt in the event potentially significant cultural resources are discovered until a qualified archaeologist can assess the significance of the find. Further, compliance with the Policies RME-19 and RME-20 of the 2030 General Plan would ensure that archaeological resources are protected. The potential to unearth or damage archaeological deposits during construction would, therefore, result in a *significant* impact prior to mitigation.

IMPACT CULT-1: During construction, the Project could result in the discovery or disturbance of an archaeological resource; therefore, resulting in a substantially adverse change in an archaeological resource.

¹⁰ City of Daly City, *General Plan EIR*, Cultural Resources, page 3.4-3.

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Mitigation Measure CULT-1: Site clearing, grading, and other ground disturbing construction activities will be monitored by a qualified archaeologist. If historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures will be implemented:

- In compliance with State law (section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event human remains are encountered during grading and construction, all work within 50 feet of the find will stop and the San Mateo County Coroner's office will be notified. If the remains are determined to be Native American, the Coroner would notify the Native American Heritage Commission to identify the "Most Likely Descendant" (MLD). The City, in consultation with the MLD, would then prepare a plan for treatment, study and re-internment of the remains.
- In compliance with State law (section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found during grading and construction, all work within 50 feet of the find will stop and a qualified archaeologist will examine the find. All significant artifacts and samples recovered during construction would be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The archaeologist must then submit a plan for evaluation of the resource to the City of Daly City Planning Division for approval. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan must be submitted to the City of Daly City Planning Division for approval. The mitigation plan must be completed before earthmoving or construction activities can recommence within the designated resource area.

Significance After Mitigation: Less than significant.

CULT-2 The Project would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

The Project would cause a significant impact if it directly or indirectly destroyed a unique paleontological resource or site, or unique geologic feature. The Project would include some ground-disturbance during construction related activities, such as grading and the rerouting of utilities, which could directly or indirectly destroy a unique paleontological or unique geologic feature; however, given the Project site has been previously developed, it is not likely that paleontological resources would be discovered or disturbed during Project construction. Although paleontological resources have been discovered at Mussel Rock, the Project site is located approximately 2.2 miles east of that area and, therefore, would not directly or indirectly destroy those resources.

Even though discovery of paleontological or unique geologic features is unlikely, it is still possible that unknown resources could be found. However, federal and State regulations would require protective measures for procedures in the event resources are discovered. Section 5097 of the Public Resources Code specifies the procedures to be followed in the event of the unexpected discovery paleontological resources. Additionally, Section 15064.5(f) of the CEQA Guidelines requires that construction activities be halted until a qualified specialist can assess the significance of the find. Given the Project site has been previously developed and known paleontological resources are not located within the immediate vicinity of the Project site, potential impacts would be *less than significant*.

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Applicable Regulations:

- CEQA Guidelines Section 15064.5(f)
- Public Resources Code 5097

Significance Before Mitigation: Less than significant.

CULT-3	The Project would not disturb any human remains, including those interred outside of formal cemeteries.
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The Project would result in a significant impact if it would disturb any human remains, including those interred outside of formal cemeteries. The Project would include ground-disturbing activities during construction of the Project, which could potentially disturb human remains. However, due to the developed nature of the Project site, it is unlikely that human remains would be discovered during or disturbed by Project construction. Nevertheless, it is possible that unknown human remains could be discovered during ground disturbing construction activities; however, federal and State regulations would minimize the likelihood of occurrence, as well as set procedures in the unlikely event human remains are found.

Sections 7052 and 7050.5 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony, and that construction or excavation be stopped in the vicinity of discovered human remains until the County coroner can determine whether the remains are those of a Native American. If discovered remains are found to be Native American, the coroner must contact the California Native Heritage Commission. Additionally, compliance with Section 15064.5 of the CEQA Guidelines would set forth procedures in the event of an unexpected discovery of Native American human remains on non-federal land. Although compliance with State and federal regulations would reduce the likelihood of disturbing or discovering human remains, the potential for disturbance exists at the southwest corner of the Project site, where the land has never been developed and would be the proposed location of the medical buildings. For that reason, impacts would be *significant* prior to mitigation.

IMPACT CULT-3: During construction, the Project could result in the discovery or disturbance of human remains; therefore, resulting in a substantial adverse change in an archaeological resource.

Mitigation Measure CULT-3: Compliance with Mitigation Measure CULT-1.

Significance After Mitigation: Less than significant.

4.4.4 CUMULATIVE IMPACTS

CULT-4	The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to cultural resources.
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Cumulative impacts occur when a series of actions lead to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic neighborhood may not be significant to the character of the neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect.

As there are no known archaeological resources, paleontological resources, or human remains on or adjacent to the Project site, buildout of the Project would not create, nor contribute to a cumulative impact on cultural resources. Additionally, the existing federal, State, and local regulations and policies described throughout this chapter serve to protect any as-yet-undiscovered cultural resources in the City of Daly City. Continued compliance with these regulations and implementation of existing policies, including applicable General Plan Policies, would prevent and/or mitigate impacts to the maximum extent practicable. Therefore, potential cumulative impacts to cultural resources would be *less than significant*.

Applicable Regulations:

- CEQA Guidelines Section 15064.5
- Health and Safety Code Section 7050.5
- Health and Safety Code Section 7052
- Daly City 2030 General Plan Policy RME-19 and RME-20

Significance Before Mitigation: Less than significant.

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