

3.7 Historical, Archaeological, and Paleontological Resources

Environmental Setting

This section describes historical, archaeological, and paleontological resources in Carlsbad. The information contained in this section is based on Working Paper 3: Open Space and the Natural Environment; Access to Recreation and Active, Healthy Lifestyles, as well as Working Paper 4: History, the Arts and Cultural Resources; High Quality Education and Community Services, both prepared by Dyett & Bhatia and Dudek.

PHYSICAL SETTING

Prehistoric Setting

Prior to 1798, two Native American tribes were known to occupy the area that is currently known as Carlsbad: the Luiseños and the Diegueños (or Kumeyaay). The Luiseños inhabited the area just north of the San Luis Rey River, east toward Pala and south to Agua Hedionda Lagoon. The Diegueños were a larger group, and inhabited an area spanning from the Batiquitos Lagoon south to Baja California.¹ A record search/mapping project completed in 1990 indicated that within Carlsbad city limits, approximately 480 prehistoric sites associated with these two Native American tribes have been recorded.

Although the locations of these resources were documented throughout the city, the majority of the prehistoric sites are located on broad mesa tops and along the lagoon terraces. This settlement pattern generally accompanied locally available resources, the proximity of fresh water, and the protection afforded by sheltered valleys and slopes. In accordance with California Government Code Section 65040.2(g)(3), which protects the confidentiality of information concerning the specific location of cultural places, a map depicting the location of these resources has not been provided. Though few sites remain due to intense land development over the past 30 years, recorded resources range from single isolated milling features or isolated lithic tools to multi-component settlements indicative of long-term and multicultural occupation.²

¹ Carlsbad Historical Society. 2010. "History of Carlsbad." Accessed September 13, 2010. www.carlsbadhistoricalsociety.com.

² Roth and Associates. 1990. "Cultural Resources Survey: City of Carlsbad."

Historic Setting

Carlsbad's history is a combination of many separate influences: Hispanic/Mexican (1769–1846), pre-railroad/early American (1846–1881), railroad/land boom (1881–1890), no growth (1890–1914), expansion (1914–1932), depression (1932–1941), expansion and incorporation (1942–present). As new groups of people immigrated to the area, they added to the multilayered history of the community. Following is a short summary of the city's history throughout these periods drawn from the city's 1990 Cultural Resources Survey and "The Historical Evolution of Two Ranchos and a Homestead: Agua Hedionda, Los Kiotes, and Rancho de los Kiotes."³

Hispanic/Mexican

In 1769, the Spaniards arrived in Alta California, blazed the trail now known as El Camino Real, and camped near Agua Hedionda. In 1798, Franciscan missionaries established Mission San Luis Rey (located in Oceanside) approximately 10 miles north of Agua Hedionda Lagoon. Mission San Luis Rey's territory extended more than 20 square miles and was the largest of 21 missions in California. In 1821, when Mexican Independence was obtained from Spain, land ownership and land use patterns evolved, igniting the Rancho period in California history where large tracts of land were granted to settlers and government friends to encourage settlement and cattle raising. Ranchos from the San Luis Rey holdings included: Santa Margarita y Flores, Los Vallecitos de San Marcos, Buena Vista, Guajome, Las Encinitas, and Agua Hedionda.

In 1833, the mission holdings were secularized and divided into large land grants. Much of greater Carlsbad was part of Rancho Agua Hedionda, a 13,000-acre ranch. The holdings extended from the Pacific Ocean and continued east towards Vista and from south Carlsbad to the tide lines on the north side of Agua Hedionda Lagoon. The extensive size of ranchos was used by the Mexican government to induce permanent settlement and cattle raising, the economic base of Mexican California. In 1842, Rancho Agua Hedionda was granted to Juan María Marrón. Marrón built a three-room adobe on the property in 1839. Some of the land was cultivated; however, the majority of the land was left as open space for pasturing his cattle and horses. The Marrón family lived on the ranch in the summer and in San Diego (Old Town) in the winter. The primary ranch house was built along El Camino Real about mid-way within the rancho holdings. Other members of the Marrón family built homes along the northern boundaries of the holdings in an area that later would become Highway 78.

Early American/Pre-railroad

In 1850, Congress passed an act entitled, "An Act to Ascertain and Settle the Private Land Claims in the State of California." A Board of Commissions was established to either reject or confirm land grants and verify boundaries. Articles of the treaty specifically promised full and complete protection of all property rights of Mexicans. However, in reality the commission threw the burden of proof on every Californian claiming land. Due to poor mapping, unrecorded grants, destroyed records confiscated during the American takeover, and the fall of the profitable cattle

³ Calarco, M. "The Historical Evolution of Two Ranchos and a Homestead: Agua Hedionda, Los Kiotes, and Rancho de Los Kiotes." May 2005.

industry soon after the height of the Gold Rush, many of the large rancho owners found it impossible to prove to the American court system that land was legally theirs. Many lost their holdings to incoming Yankees either through the courts or through the necessity of having to constantly mortgage their holdings simply to survive. Seventeen years was the average length of time that the California landowner had to wait for his patent after filing a petition. Delays were caused by extended litigation, by unnecessary appeals by government attorneys, and the difficulties in getting approved surveys. As a result of the delays, rancho land was not salable, squatters moved in, and the owners' funds went to lawyers and lenders. The rancho owners became impoverished due to these legal costs. Most claimants were bankrupted in the process of gaining title, including the Marrón and Ibarra families.

Juan Maria Marrón died in 1853 and left his rancho to his widow and his four children. In 1860, Francis Hinton leased the rancho from Marrón heirs and after an extensive legal battle, acquired title to it in the late 1860s. Around the same time, Los Encinitas Rancho had been sold to two San Diego merchants and was converted to a stage station and general store. Stage travelers stopped here on the way between San Diego and Mission San Luis Rey. In 1875, Hinton died and left his partner, Robert Kelly, title to the rancho. Along the northern boundary, Silvestre Marrón maintained 362 acres bequeathed to him by his brother, Juan María. Robert Kelly's brother, Matthew Kelly, established a homestead near the southwest corner of Rancho Agua Hedionda. In 1868, he constructed a home and associated outbuildings and named it "Los Kiotes."

Mathew Kelly died in 1885 and left Los Kiotes to his wife and children. Five years later, Mathew's children inherited Rancho Agua Hedionda from their uncle Robert Kelly. A drawing was held to fairly divide the land into individual parcels among the family members, ensuring equitable access to prime grazing land and water. A drought continued for the next decade, and typical land use on the ranch included dry farming of corn, beans, and hay. Passage of the "no fence law" and the invention of barbed wire ultimately lead to the fencing of 25 miles of the rancho, as well as the fencing of the Los Kiotes property.

Railroad/Land Boom

In the late 1880s, America was recovering from the Civil War, and Americans were looking for new opportunities. Completion of the transcontinental railroad through California and inexpensive train fares from the midwest to the Pacific contributed to California's land boom. Settlement patterns and land uses were changing again. The influx of farmers from the eastern United States following the Civil War caused competition for raw land; the open range system was not compatible with the agricultural heritage of the incoming settlers. Potential land investors were given cheap transportation. Advertising in the form of excessive accolades dominated the press in the east and in Europe attracting potential settlers. The California Southern, with its link to a transnational railroad, proved crucial to the transformation of the San Diego region from a farming community with little to no direct outlet to a small city of emerging industry, mercantile, and agricultural expansion. The selected route of the railroad determined the future of many coastal town sites, including Carlsbad. The railroad stood as the town's center, and the town grew in several blocks in all directions.

In 1882, Lafayette Tunnison became the first homesteader with 159 acres in the area that is now known as Carlsbad Village. He was unsuccessful at establishing a productive farming enterprise because of the insecure water sources, a problem that has perpetually plagued settlers of semi-arid Southern California as successful settlement is directly linked to securing fresh water. Erratic weather conditions (years of plentiful rainfall interspersed with seasons of severe drought) combined with the lack of a permanent water source kept agricultural development to a minimum leaving dry farming as the only semi-reliable method of agricultural development.

Also during the 1880s, a former sailor named John Frazier and his family was one of the first to arrive to the area by train. Frazier purchased the Tunnison property, which straddled the railroad tracks. Due to the lack of water, as the lagoons usually dried up during the summer months, he began digging wells. Frazier found both mineral and artesian water in the area, and began offering his water at the train station. Soon the whistle-stop became known as Frazier's Station. In 1886, the Carlsbad Land and Mineral Company was formed, which laid out a town site and initiated speculative development.

The newly formed town was christened Carlsbad because the mineral water found here contained the same mineral properties as the famous Spa No. 7 in Karlsbad, Bohemia. A small farming area and a cluster of homes named Frazier's Station sprang up around his property. A station platform was constructed to serve the local needs. During the height of the land boom, thousands of passengers were travelling to the San Diego area, passing and eventually stopping at Frazier's Station. Frazier offered his waters to train travelers. Fame regarding the curative powers of these waters spread, and soon his station became a destination. Between 1883 and 1885, three small communities and train stations developed in what later would be the city limits of Carlsbad: Frazier's, La Costa, and Stewart's. No remnants remain of these stations, nor the packing sheds associated with them.

No Growth to Expansion

The no growth period occurred from 1890 to 1914. The national depression and drought caused the total collapse of the majority of the land boom era cities. While Carlsbad remained on the map, its population dropped drastically and the community entered a near 30-year period of no growth. In 1890, the Great Register of Voters for San Diego County enumerated 39 voters in Carlsbad; by 1894 that number was down to 6. Buildings were abandoned, moved, and uses changed; mining, industrial, and agricultural endeavors were attempted but most failed.

The expansion era in Carlsbad began in 1914. In 1920, Carlsbad had approximately 100 residents and by 1928, the town had grown to almost 1,800 people. Economic security occurred for over a decade and allowed growth to occur. As a result, land uses changed. Large areas of previously open land were planted. Prior to 1930, the farms were general farms. The first avocado farm in Carlsbad appeared in 1916, and by 1930, the area saw a flourishing of floriculture and groves. The infrastructure of the city changed to accommodate the automobile. Facilities were built to accommodate real estate endeavors, the expanding building supply and agricultural industry and the needs of the suburban population. These included stores, warehouses, hotels, a movie theatre (1927), bank, gas stations, homes of wealthy settlers, homes of a Japanese (1920 Census) and then

Mexican (1930 Census) immigrant labor force, and homes for new middle-class residents. Even in the 1920 Census, however, Carlsbad residential units were still primarily farms.

In the late 1910s to early 1920s, millions of Latinos fled north to seek refuge from the Mexican Revolution, some of whom settled in Carlsbad. These immigrants provided additional farm and railroad labor to the area. They built small simple houses with no electricity or indoor plumbing and later sold the homes to other incoming immigrants. This development provided the foundation for the first neighborhood in Carlsbad, which today is called the Barrio. The expansion and incorporation era continued through 1932. With water sources becoming somewhat established, organized and deliberate promotion to expand the commercial/suburban and rural fabric of Carlsbad was undertaken.

Great Depression

By 1930, areas near the historic core were divided and subdivided to make room for the newly developing suburban enclaves, and lots became smaller with each subdivision. But soon Carlsbad felt the effects of the Great Depression, at which time numerous businesses failed and a vast amount of middle- and lower-class residents left the area. Sporadic construction continued, water availability became an issue, and Hollywood found Carlsbad. The movie industry personalities moved south to San Diego for relaxation, entertainment and investment, and often stayed at the California-Carlsbad Hotel on Highway 101.

In 1937, Leo Carrillo and his wife purchased 1,700 acres of land from Charles and Lavinia Kelly, and 2 years later they purchased an additional 838 acres of land from Edward and Nettie Kelly. During this time, they constructed a hacienda (main house and bedroom complex) and several other buildings. Four deteriorated walls of the second Kelly family home from the 1880s remained on the property, which Carrillo decided to preserve and incorporate into the main wing of his hacienda. Carrillo considered Rancho de los Kiotes a retreat from the hectic and fast-paced lifestyle of Hollywood.

Second Expansion, Incorporation, and Present Day

From its inception, until well after incorporation as a general law city in 1952, Carlsbad existed as a quaint village-by-the-sea. However, following a series of annexations, beginning in the 1960s and including La Costa in 1972, the city has grown gradually in area and population. Leo Carrillo died in 1961. His daughter Antoinette lived at the ranch full-time after her father's death, continuing to manage his personal and business affairs. The cost of maintaining the rancho was more than Antoinette could handle, and in 1961 she sold the ranch to developer Byron White's Carrillo Ranch Partnership with the provision that she could remain at the ranch house for as long as she desired. In 1977, a trade of land in exchange for fees, developers of the Rancho Carrillo subdivision dedicated 10.5 acres of the 884 remaining acres of land, including a majority of the historic structures, as a future park for the benefit of the citizens of Carlsbad and the surrounding community. In 1978, most of the family's personal belongings were sold at public auction, and the city officially took possession of the ranch. In 1998, the city approved the Leo Carrillo Ranch Park Master Plan. Currently the Leo Carrillo Ranch Historic Park (Rancho de los Kiotes) is contained within the geographic boundaries of Matthew Kelly's historic homestead.

Historical and Cultural Resources

Listed Historic Resources

Several of the city's local historic resources have gone through the process to be listed in or determined eligible for listing in the national and California registers as individual resources. The National Register of Historic Places (NRHP) has identified two listed historic properties within the city: Carlsbad Santa Fe Depot (400 Carlsbad Village Drive) and Rancho De Los Kiotes. The California Office of Historic Preservation has two historic landmarks listed in Carlsbad: Rancho De Los Kiotes and Frazier's Well (Alt Carlsbad located at 2802 Carlsbad Boulevard). The San Diego Archaeological Center, a nonprofit corporation dedicated to preserving archeological collections, has identified two historic sites within Carlsbad: the Carlsbad Historical Society Museum (the Magee House located at 258 Beech Street) and the Leo Carrillo Ranch Historic Park (6200 Flying Leo Carrillo Lane). A brief description of these properties, landmarks, or historic resources, shown on Figure 3.7-1, is provided below:

1. **Magee House.** Magee Park, 258 Beech Street. This craftsman's style home was originally built by Samuel Church Smith, one of the founders of the Carlsbad Land and Water Company in 1887. The Smith family remained in the home until the 1890s when the California land bust forced them to sell their Carlsbad real estate holdings and relocate to National City. Alexander Shipley, a retired foreign service diplomat, purchased the home in the 1890s and relocated with his wife Julia and daughter Florence. In 1912, Florence married Hugh Magee, a descendent of an original California Estudillo family, and moved to Condor's Nest in Pala. She returned to Carlsbad in the 1940s after the death of her father and husband. As sole inheritor of her parents' estate and having no children of her own, upon her death in the 1970s, Florence left Magee house to the city of Carlsbad as a historic and recreational park. The Magee House is currently home to Carlsbad's Historical Society Museum, which offers views of life from the 1880s to present.
2. **Old Santa Fe Train Depot.** 400 Carlsbad Village Dr. The depot was built in 1907 (replacing the first train depot built in 1887) by the Arizona Eastern Railway and also served as a telegraph office, post office, Wells Fargo Express office, and general store. Later, this facility served as a shipping point for local fruit, vegetables, and flowers. Closed in 1960, it is now the home of the Carlsbad Visitor's Information Center.
3. **Rancho de Los Kiotes/Leo Carrillo Ranch Historic Park.** 6200 Flying Leo Carrillo Lane. In 1868, the Kelly family homesteaded 10,000 acres of land immediately south of Rancho Agua Hedionda. In 1937, Leo Carrillo purchased 1,700 acres, plus 838 acres 2 years later, to construct his ranch (now the city-owned Leo Carrillo Ranch Historic Park). Leo Carrillo Ranch was once home to a cowboy actor named Leo Carrillo. Leo Carrillo's grandfather was the Mexican governor of California in 1837, and his father, the first mayor of Santa Monica. Leo, his wife Edith, and their daughter Antoinette all lived in the pueblo-style adobe house. The city has stabilized, preserved, and restored many of the historic ranch buildings. The city holds several events each year at the ranch such as the Leo Carrillo Film Festival, Wild Wild Fest, Dinner and a Movie, and Holiday at the Rancho.

4. **Frazier's Well/Alt Carlsbad.** 2802 Carlsbad Blvd. John Frazier, one of Carlsbad's early pioneers, tapped a mineral spring on his homestead in 1883, an event that soon led to stops by train passengers to drink this water, rumored to have miraculous curative powers. The original well was declared a state historical site in 1955. Owners Kay and Chris Christiansen built Alt Carlsbad in 1964, recreating a 12th century structure as a backdrop for their replica of the famous European namesake.

Potential Historical Resources

1990 Survey

A 1990 report titled Cultural Resources Survey City of Carlsbad provides a summary of prehistoric and historic resources in Carlsbad. According to this report, a total of 325 potential historic properties, including 314 structures, four locales and seven features of the built environment, were evaluated as potential historic sites reflective of the identified patterns, events, persons, architectural styles, and cultural values important in the changing fabric of the city. Of the 325 sites, only five were further identified as potentially eligible for nomination to the NRHP and seven were identified as potential California Historical Landmarks.

The following is a list of resources that were identified in the survey as potential listings on the NRHP:

- 2978 Carlsbad Boulevard (Queen Anne Victorian, 1887)
- 400 Elm Avenue (Carlsbad Village Drive) (Carpenter Gothic, 1887)
- 3309 Roosevelt Street (Vernacular, 1918)
- 3329 Roosevelt Street (B/C Spanish, 1923)
- 2770 Sunny Creek Road (Adobe rehab, 1842; outbuildings, c. 1900s).

The following is a list of resources that were identified as potential listings as a California Historical Landmark:

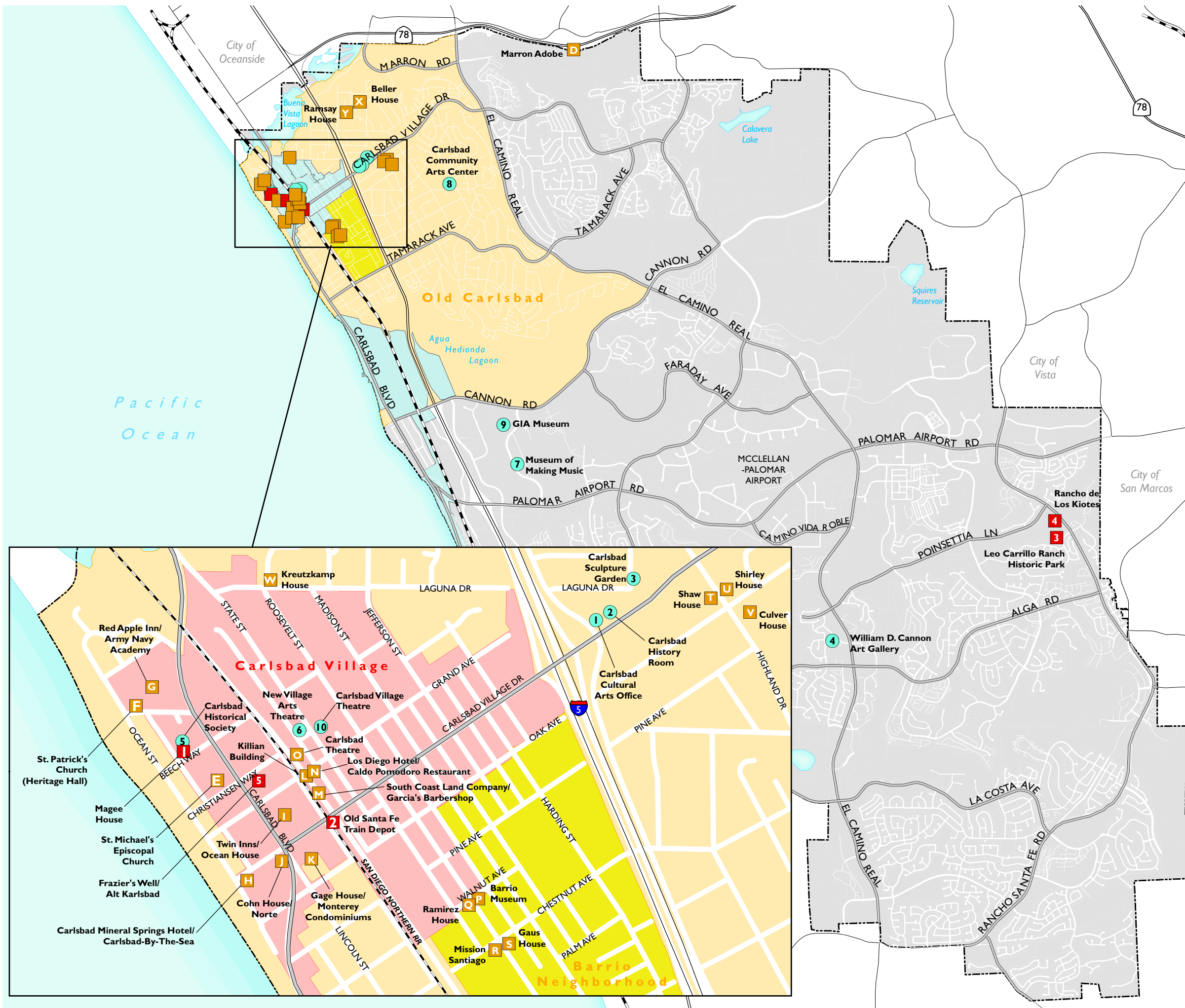
- El Camino Real (Landmark No. 784)
- Haymar Road (Adobe remodel-Spanish, 1842)
- 3080 Lincoln Street (Monterey, 1925)
- 2956 State Street (Spanish Eclectic, pre-1925)
- Rancho De Los Kiotes (Spanish, 1935-39)
- Stage Coach Park (Adobe ruins, 1842).

While the remaining sites have not been identified as potential historic resources of federal or state listing, many are considered by the city as containing significant features in the local architectural and historic growth of the community.

Other Potential Historical Resources

In addition to the potential resources listed above, there are several buildings and areas in the city with local historic and/or architectural merit that characterize the city's heritage, as they meet the descriptions of structures of specific historic architectural styles or they represent a settlement within a specific area that contributed to the cultural values of the city. A brief description of these buildings and/or locations is offered below and the location of these resources is shown on Figure 3.7-1. While these resources have been identified by the City of Carlsbad, the Save Our Heritage Organization, or the Carlsbad Historical Society, they are not officially listed federal, state, or local historic resources.

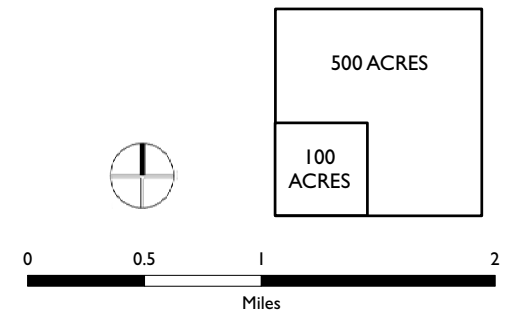
Figure 3.7-1
PROPOSED GENERAL PLAN
Historic and Cultural Arts Resources



- Historic Resources**
- Official Historic Resource
 - Potential Historic Resource
 - Cultural Arts Resource

- Other Potential Historic Resources**
- Carlsbad Village
 - Old Carlsbad
 - Barrio Neighborhood

- Highway
- Major Road
- Railroad
- City Limits



Source: City of Carlsbad, 2009; SANDAG, 2008; Dudek, 2010; San Diego Archaeological Center, 2010; Dyett & Bhatia, 2010.

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Potential Historical Resources:

- A. **Carlsbad Village.** Carlsbad Village is located along Carlsbad Village Drive and is known for specialty shops, clothing stores, and restaurants. The village is home to buildings that consist of New England style architecture, and hosts events such as Carlsbad Art in the Village and Carlsbad Village Street Faire.
- B. **Old Carlsbad.** Carlsbad Village is located within Old Carlsbad. The original boundaries of the city. Old Carlsbad encompasses the area south of Buena Vista Lagoon, west of El Camino Real, and north of Cannon Road. Several historic buildings are located in this area, including the Magee House.
- C. **Barrio Neighborhood.** The Barrio, located within the boundaries of Old Carlsbad, was the first neighborhood established in Carlsbad in the 1920s. The area includes several locally recognized historic buildings, businesses, and sites.
- D. **Marrón Adobe.** (1850s) This property includes the Buena Vista Creek and El Salto Falls archaeological sites as well as natural open space, part of which is sensitive habitat.⁴
- E. **St. Michael's Episcopal Church.** 2775 Carlsbad Boulevard (1894)
- F. **St. Patrick's Church (Heritage Hall).** Magee Park, 2650 Garfield Street (1926)
- G. **Red Apple Inn/Army Navy Academy.** 2585 Carlsbad Boulevard (1927)
- H. **Carlsbad Mineral Springs Hotel/Carlsbad-By-the-Sea.** 2855 Carlsbad Boulevard (1930)
- I. **Twin Inns/Ocean House.** 2978 Carlsbad Boulevard (1887)
- J. **Cohn House/Norte.** 3003 Carlsbad Boulevard (1929)
- K. **Gage House/Monterey Condominiums.** 3080 Lincoln Street (1934)
- L. **Killian Building.** 2900 State Street (1920s)
- M. **South Coast Land Company/Garcia's Barbershop.** 2956 State Street (Circa 1914)
- N. **Los Diego Hotel/Caldo Pomodoro Restaurant.** 2907 State Street (1925)
- O. **Carlsbad Theatre.** 2822 State Street (1926–27)
- P. **Barrio Museum.** 3304 Roosevelt Street (1943)
- Q. **Ramirez House.** 3309 Roosevelt Street (1918)
- R. **Mission Santiago.** 3329 Roosevelt Street (Circa 1923)
- S. **Gaus House.** 3442 Roosevelt Street (1929)

⁴ Save Our Heritage Organization. 2006. "Marron Adobe." Accessed September 13, 2010.
<http://sohosandiego.org/reflections/2006-2/marron.htm>.

- T. **Shaw House.** 3081 Highland Drive (1927)
- U. **Shirley House.** 1542 Oak Street (Circa late 1880s)
- V. **Culver House.** 3140 Highland Drive (Circa 1887)
- W. **Kreutzkamp House.** 624 Laguna Drive (1890s)
- X. **Beller House.** 1448 Forest Avenue (Circa 1894)
- Y. **Ramsay House.** 1330 Chuparosa Way (1904).

While the above resources have not been officially designated as federal, state, or local historic resources, they may be determined eligible for listing as official historic resources upon if other criteria (including local, state, or federal) apply.

Paleontological Setting

Paleontological resources are the remains and/or traces of prehistoric plant and animal life, exclusive of human remains. The formation of fossils typically involves the rapid burial of plant or animal remains and the formation of casts, molds, or impressions in the associated sediment (which subsequently becomes sedimentary rock). Because of this, the potential for fossil remains in a given geologic formation can be predicted based on known fossil occurrences from similar (or correlated) geologic formations in other locations. According to the County of San Diego's Guidelines for Determining Significance of Paleontological Resources, this is the case in San Diego County, where the geologic setting provides a basis for reasonably predicting the location of paleontological resources.

The Society of Vertebrate Paleontology has established a professional review process for the determination of paleontological potential and paleontologic sensitivity, as described in the following text. The determination of a site's (or rock unit's) degree of paleontological potential is first founded on a review of pertinent geological and paleontological literature and on locality records of specimens deposited in institutions. This preliminary review may suggest particular areas of known high potential. If an area of high potential cannot be delimited from the literature search and specimen records, a surface survey will determine the fossiliferous potential and extent of the sedimentary units within a specific project. The field survey may extend outside the defined project to areas where rock units are better exposed. If an area is determined to have a high potential for containing paleontologic resources, a program to mitigate impacts is developed. In areas of high sensitivity, a pre-excavation survey is recommended to locate surface concentrations of fossils which might need special salvage methods. The sensitivity of rock units in which fossils occur may be divided into three operational categories.

- I. **HIGH POTENTIAL.** Rock units from which vertebrate or significant invertebrate fossils or significant suites of plant fossils have been recovered are considered to have a potential for containing significant nonrenewable fossiliferous resources. These units include but are not limited to, sedimentary formations and some volcanic formations, which contain significant nonrenewable paleontological resources anywhere within their geographical

extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils. Sensitivity comprises both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, or botanical; and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, ecologic, or stratigraphic data. Areas which contain potentially datable organic remains older than recent, including deposits associated with nests or middens, and areas which may contain new vertebrate deposits, traces, or trackways, are also classified as significant.

- II. UNDETERMINED POTENTIAL. Specific areas underlain by sedimentary rock units for which little information is available are considered to have undetermined fossiliferous potential. Field surveys by a qualified vertebrate paleontologist to specifically determine the potentials of the rock units are required before programs of impact mitigation for such areas may be developed.
- III. LOW POTENTIAL. Reports in the paleontological literature or field surveys by a qualified vertebrate paleontologist may allow determination that some areas or units have low potentials for yielding significant fossils. Such units will be poorly represented by specimens in institutional collections. These deposits generally will not require protection or salvage operations.⁵

The city contains several geologic formations that include a sequence of marine and non-marine sedimentary rock units that record portions of the last 140 million years of earth history. The geologic formations found in the city are primarily the Lusardi Formation of the Cretaceous Age, as well as the Santiago Formation and Del Mar Formation of the Tertiary Age that overlie the Lusardi Formation. The Lusardi Formation consistently produces significant fossils and consists of sandstones and conglomerate that were deposited in a shallow sea that covered the region approximately 74 million years ago. The Santiago Formation and Del Mar Formation make up the sandstones and siltstones of the La Jolla Group which is approximately 45 million years old and has produced a large number of vertebrate and invertebrate fossils. The La Jolla Group has a high potential for containing significant fossils. Loma Linda Terrace Deposits of the Quaternary Age have the potential to contain fossiliferous rock from Pleistocene terrace deposits of not more than 2 million years in age.

REGULATORY SETTING

Federal Programs and Regulations

National Historic Preservation Act of 1966

The National Historic Preservation Act was signed into law on October 15, 1966. The intent of the act is to preserve historic and archaeological sites across the United States. The National Historic Preservation Act solidified the role of the National Parks Service as lead agency in the

⁵ Society of Vertebrate Paleontology. 2012. "Assessment and Mitigation of Adverse Impacts To Nonrenewable Paleontologic Resources: Standard Guidelines." Accessed September 27, 2012. <http://vertpaleo.org/The-Society/Statements-and-Guidelines/Conformable-Impact-Mitigation-Guidelines-Committee.aspx>.

historic preservation program and created cooperative partners in the process, including the Advisory Council on Historic Preservation, State Historic Preservation Offices, and Tribal Historic Preservation Offices.

Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their actions on historic properties. The goal of the Section 106 process is to identify historic properties potentially affected by the action in question, assess the effects, and provide ways to avoid, minimize, or mitigate any adverse effect that may occur to a historic property.

National Register of Historic Places

The NRHP is the nation's official list of historic places. The register is overseen by the National Park Service, and requires that a property or resource eligible for listing on the register meet one of the following four criteria at the national, state, or local level to ensure integrity and obtain official designation.

- Property is associated with events that have made a significant contribution to the broad patterns of our history
- Property is associated with the lives of persons significant in our past. Eligible properties based on this criterion are generally those associated with the productive life of the individual in the field in which it achieved significance
- Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction
- Property has yielded, or is likely to yield, information important to prehistory or history.

In addition to meeting at least one of these four criteria, listed properties must also retain sufficient physical integrity of those features necessary to convey historic significance. The register has identified the following seven aspects of integrity: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association. Properties are nominated to the register by the State Historic Preservation Officer of the state in which the property is located, by the Federal Preservation Officer for properties under federal ownership or control, or by the Tribal Preservation Officer if on tribal lands.

Listing in the NRHP provides formal recognition of a property's historic, architectural, or archeological significance based on national standards used by every state. Once a property is listed on the NRHP, it becomes searchable in the NRHP's database of research information. Documentation of a property's historic significance helps encourage preservation of the resource. Listing in the NRHP provides incentives to property owners such as: federal preservation grants for planning and rehabilitation federal investment tax credits, preservation easements to nonprofit organizations, international building code fire and life safety code alternatives, state tax benefits, and grant opportunities. The Federal Tax Incentive Program encourages private sector rehabilitation of historic buildings and is a successful and cost-effective community revitalization

program, which generates jobs and creates moderate and low-income housing in historic buildings. Listing does not lead to public acquisition or require public access. In addition, listing does not place any obligations on the private property owners; and there are no restrictions on use, treatment, transfer, or disposition of private property.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) was signed into law on January 1, 1970. NEPA created an environmental review process requiring federal agencies to consider the effects of their actions on the environment. Under NEPA, all federal agencies must carry out their regulations, policies, and programs in accordance with NEPA's policies for environmental protection, including project compliance with Section 106 of the National Historic Preservation Act, as previously discussed.

The Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation

The Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation are not regulatory and do not set or interpret agency policy. They are intended to provide technical advice about archeological and historic preservation activities and methods. Federal agency personnel responsible for cultural resource management pursuant to section 110 of the National Historic Preservation Act, State Historic Preservation Offices responsible under the National Historic Preservation Act, local governments wishing to establish a comprehensive approach, and other individuals and organizations needing basic technical standards and guidelines for historic preservation activities are encouraged to use these standards.

National Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990 to provide for the protection of Native American graves. The act conveys to Native American's of demonstrated lineal descent, the human remains, including the funerary or religious items, that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. NAGPRA makes the sale or purchase of Native American remains illegal, whether or not they were derived from federal or Native American lands.

State Regulations

Senate Bill 18

Senate Bill 18 (SB 18) (California Government Code Sections 65352.3 and 65352.4) was enacted on March 1, 2005, and requires cities and counties to notify and consult with California Native American tribes regarding proposed local land use planning decisions for the purpose of protecting traditional tribal cultural places (otherwise known as sacred sites), prior to adopting or amending a General Plan or designating land as open space. Once tribes are contacted, they have 90 days to request consultation. Because the proposed General Plan would result in an update to the city's General Plan, the proposed General Plan is required to comply with SB 18.

California Government Code Section 65040.2(g)

California Government Code Section 65040.2(g) provides guidelines for consulting with Native American tribes for the following: (1) the preservation of, or the mitigation of impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code; (2) procedures for identifying through the Native American Heritage Commission (NAHC) the appropriate California Native American tribes; (3) procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects; and (4) procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

California Register of Historical Resources

The California Office of Historic Preservation maintains the California Register of Historical Resources. The California Register is the authoritative guide to the state's significant historic and archeological resources. The program provides for the identification, evaluation, registration and protection of California's historical resources. The California Register encourages public recognition and protection of resources of architectural, historic, archeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protection to these resources under the California Environmental Quality Act (CEQA).

The California Register has also established context types to be used when evaluating the eligibility of a property or resource for listing. The four criteria are as follows:

- 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.
- It is associated with the lives of persons important to local, California, or national history.
- It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values.
- It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

Similar to the NRHP, eligibility to the California Register requires an establishment of physical integrity, including the four criteria previously described. California's list of special considerations is less stringent than the NRHP, providing allowances for relocated buildings, structures, or objectives as reduced requirements for physical integrity.

California Public Resources Code

Sections 5097–5097.6 of the California Public Resources Code outline the requirements for cultural resource analysis prior to the commencement of any construction project on state lands. The state agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section stipulates

that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands and provides for criminal sanctions. This section was amended in 1987 to require consultation with the California NAHC whenever Native American graves are found. Violations for the taking or possessing remains or artifacts are felonies.

The Public Resources Code Section 5097.9-991, regarding Native American heritage, outlines protections for Native American religion from public agencies and private parties using or occupying public property. Also protected by this code are Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property.

California Health and Safety Code

Section 7052 of the California Health and Safety Code makes the willful mutilation, disinterment, or removal of human remains 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 NAHC.

Local Programs and Regulations

City of Carlsbad Municipal Code – Historic Preservation

City of Carlsbad Municipal Code Chapter 22.06 states that a historic resource may be considered and approved by City Council for inclusion in the city's historic resources inventory based on one or more of the following:

- It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural history.
- It is identified with persons or events significant in local, state or national history.
- It embodies distinctive characteristics of a style, type, period, or method of construction; is a valuable example of the use of indigenous materials or craftsmanship; or is representative of a notable work of an acclaimed builder, designer, or architect.
- It is an archaeological, paleontological, botanical, geological, topographical, ecological, or geographical site which has the potential of yielding information of scientific value.
- It is a geographically definable area with a concentration of buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

City of Carlsbad Cultural Resource Guidelines

In 1990, the city developed the Cultural Resource Guidelines for the treatment of cultural resources consistent with federal, state, and local laws, as well as the Secretary of Interior's

Standards for Archaeology and Historic Preservation. The city's guidelines establish standards of performance for resource investigation and present a systematic method of preserving identified resources. The guidelines are applicable to cultural resources from the prehistoric through historic periods and are implemented during CEQA compliance.

Historic Preservation Commission

The city's Historic Preservation Commission consists of five members appointed by the City Council and one ex-official representative of the Planning Commission. The commission advises the City Council and Planning Commission on all matters related to the identification, protection, retention, and preservation of historic areas and sites. Duties include, but are not limited to, recommending the designation of historic landmarks or historic districts; maintaining a historic resources inventory; rendering advice and guidelines, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic area or site; and conducting programs to educate local residents on historic places, structures, or events.

Impact Analysis

SIGNIFICANCE CRITERIA

For the purposes of this Program EIR, a significant impact would occur if the proposed General Plan would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
- Disturb any human remains, including those interred outside of formal cemeteries.

METHODOLOGY AND ASSUMPTIONS

Potential impacts resulting from implementation of the proposed General Plan were evaluated based on the "Cultural Resources Survey City of Carlsbad," which provides a summary of prehistoric and historic resources in Carlsbad. Based on a review of relevant maps and cultural and paleontological resources documentation for Carlsbad, this Program EIR presents the potential for impacts to occur in the city. Programmatic impacts are discussed in broad, qualitative terms. Therefore, this assessment does not satisfy the need for project-level CEQA analysis for individual projects. Individual projects under the proposed General Plan will require a project-level analysis at the time these projects are proposed based on the details of these projects and the existing conditions at the time such projects are pursued.

SUMMARY OF IMPACTS

Implementation of the proposed General Plan could result in substantial adverse effects to historic, archaeological, and paleontological resources. These impacts could occur through future ground-disturbing activities such as grading and excavation, or the demolition of resources. However, as described below, the proposed General Plan includes goals and policies that focus on preserving and protecting significant historical, archaeological, and paleontological resources. Therefore, with implementation of the proposed General Plan goals and policies, all impacts would be less than significant.

IMPACTS

Impact 3.7-1 Development under the proposed General Plan would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (Less than Significant)

A total of five properties within the city were identified as potentially eligible for nomination to the NRHP and seven properties were identified as potential California Historical Landmarks. Implementation of the proposed General Plan would not directly result in the destruction of, or damage to, historical resources; however, future development and redevelopment permitted under the proposed General Plan could result in changes that affect historic resources. Changes could include demolition, seismic retrofitting, and accidents caused by nearby construction.

Although implementation of the proposed General Plan may result in actions that could adversely affect historic resources, the proposed General Plan includes goals and policies that would minimize or avoid impacts to historical resources by requiring the protection and preservation of such resources. Implementation of the proposed General Plan goals and policies listed below would help to minimize or avoid impacts to historical resources. In addition, historic resources in the city are subject to the city's Historic Preservation Ordinance (Municipal Code Title 22), which includes criteria for including resources in the city's historic resources inventory, historic site and landmark designation procedures, and historic district designation procedures. The Historic Preservation Ordinance also requires permits to work on a historic resource, historic landmark, or within historic districts, and requires that historic resources are kept in good repair while conforming to the requirements of the California Historical Building Code. Only resources listed on the national or state historic resource registers are currently required to comply with the city's Historic Preservation Ordinance. For any other potential historic resources, compliance with the ordinance is voluntary. The City of Carlsbad Cultural Resources Guidelines (1990) are also in place to help protect historic resources in the city. The city's guidelines establish standards of performance for resource investigation and a method of preserving identified resources. Compliance with the Historic Preservation Ordinance and the Cultural Resources Guidelines, as well as implementation of the proposed General Plan goals and policies listed below, ensure that impacts to historic resources would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Arts, History, Culture, and Education Element Goals

- 7-G.1 Recognize, protect, preserve, and enhance the city's diverse heritage.
- 7-G.2 Make Carlsbad's history more visible and accessible to residents and visitors.

Arts, History, Culture, and Education Element Policies

- 7-P.1 Prepare an updated inventory of historic resources in Carlsbad, with recommendations for specific properties and districts, if determined appropriate, to be designated in national, state, and local registries.
- 7-P.2 Encourage the use of regional, state, and federal programs that promote cultural preservation to upgrade and redevelop properties with historic or cultural value. Consider becoming a participant in the Mills Act tax incentive program.
- 7-P.5 Encourage the rehabilitation of qualified historic structures through application of the California Historical Building Code.
- 7-P.6 Ensure compliance with the City of Carlsbad Cultural Resource Guidelines to avoid or substantially reduce impacts to historic structures listed or eligible to be listed in the National Register of Historic Places or the California Register of Historical Resources.

Mitigation Measures

None required.

Impact 3.7-2 Development under the proposed General Plan would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Less than Significant)

Approximately 480 prehistoric sites were recorded in the city during the city's 1990 Cultural Resources Survey. However, few sites remain due to intense land development over the past 30 years. Recorded resources range from single isolated milling features or isolated lithic tools to multicomponent settlements indicative of long-term and multicultural occupation. Based on the existence of the identified sites, there is the potential for other archaeological sites to be found within Carlsbad.

Future development projects allowed under the proposed General Plan may involve grading, excavation, or other ground-disturbing activities, which could disturb or damage unknown archaeological resources. Although implementation of the proposed General Plan may result in actions that could adversely affect archaeological resources, the Arts, History, Culture, and Education Element of the proposed General Plan includes policies and regulations that would minimize or avoid impacts by requiring the protection and preservation of such resources.

Implementation of the proposed General Plan goals and policies listed below would help to minimize or avoid impacts to archaeological resources. Therefore, implementation of the proposed General Plan would result in less-than-significant impacts to archaeological resources.

Proposed General Plan Policies that Reduce the Impact

Arts, History, Culture, and Education Element Policies

- 7-P.7 Implement the City of Carlsbad Cultural Resources Guidelines to avoid or substantially reduce impacts to archaeological and paleontological resources.
- 7-P.8 During construction of specific development projects, require monitoring of grading, ground-disturbing, and other major earthmoving activities in previously undisturbed areas or in areas with known archaeological or paleontological resources by a qualified professional, as well as a tribal monitor during activities in areas with cultural resources of interest to local Native American tribes. Both the qualified professional and tribal monitor shall observe grading, ground-disturbing, and other earth-moving activities.
- 7-P.9 Ensure that treatment of any cultural resources discovered during site grading complies with the City of Carlsbad Cultural Resource Guidelines. Determination of the significance of the cultural resource(s) and development and implementation of any data recovery program shall be conducted in consultation with interested Native American tribes. All Native American human remains and associated grave goods shall be returned to their most likely descendent and repatriated. The final disposition of artifacts not directly associated with Native American graves shall be negotiated during consultation with interested tribes; if the artifact is not accepted by Native American tribes, it shall be offered to an institution staffed by qualified professionals, as may be determined by the City Planner. Artifacts include material recovered from all phases of work, including the initial survey, testing, indexing, data recovery, and monitoring.
- 7-P.10 Require consultation with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information Systems [CHRIS], the Native American Heritage Commission [NAHC], and Native American groups and individuals) to minimize potential impacts to cultural resources that may occur as a result of a proposed project.
- 7-P.11 Prior to occupancy of any buildings, a cultural resource monitoring report identifying all materials recovered shall be submitted to the City Planner.

Mitigation Measures

None required.

Impact 3.7-3 Development under the proposed General Plan would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Less than Significant)

The geologic formations found in the city are primarily the Lusardi Formation of the Cretaceous Age as well as the Santiago Formation and Del Mar Formation of the Tertiary Age that overlie the Lusardi Formation. These formations are known to produce significant fossils or have the potential to contain fossils.

Implementation of the proposed General Plan would not directly result in physical construction that could impact paleontological resources. However, future development and redevelopment allowed under the proposed General Plan could result in direct or indirect impacts to paleontological resources. Construction activities such as grading, excavation, and ground-disturbing activities may result in the accidental destruction or disturbance of paleontological sites. However, the majority of development anticipated under the proposed General Plan will involve redevelopment of or new development within existing developed areas. Substantial excavation activities for installation of new infrastructure would be limited to new development in undeveloped areas; potential for this type of development does exist but is limited by the proposed General Plan. Thus, the likelihood of finding new or undiscovered paleontological resources is limited. In addition, the proposed General Plan includes the policies listed below that would minimize or avoid impacts to paleontological resources, in addition to subsequent measures to be implemented as applicable. Compliance with the proposed General Plan policies would ensure that impacts to paleontological resources, site or unique geological features would be less than significant.

Proposed General Plan Policies that Reduce the Impact

Arts, History, Culture, and Education Element

Policies listed under Impact 3.7-2 would reduce the impact to less than significant.

Mitigation Measures

None required.

Impact 3.7-4 The proposed General Plan would not disturb any human remains, including those interred outside of formal cemeteries. (Less than Significant)

Human remains, particularly those interred outside formal cemeteries, could be disturbed during grading, excavation, or other ground-disturbing activities associated with future development or redevelopment projects allowed under the proposed General Plan. The treatment of Native American human remains are regulated by Public Resources Code Section 5097.98, as amended by Assembly Bill 2641, which addresses the disposition of Native American burials, protects remains, and appoints the NAHC to resolve disputes. In addition, Health and Safety Code Section 7050.5 includes specific provisions for the protection of human remains in the event of discovery.

Although the proposed General Plan does not include any goals or policies that directly address the disturbance of human remains, future development and redevelopment projects allowed under the proposed General Plan would be required to adhere to the laws and regulations discussed above and listed in the Regulatory Setting section. Therefore, impacts associated with the disturbance of human remains would be less than significant because existing laws and regulations would reduce the potential for encountering human remains and ensure the appropriate disposition of any human remains that are encountered.

Proposed General Plan Policies that Reduce the Impact

None provided.

Mitigation Measures

None required.

*Draft Program Environmental Impact Report for the Carlsbad General Plan Update
Chapter 3.7: Historical, Archaeological and Paleontological Resources*

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