

**ARCHAEOLOGICAL SURVEY AND ASSESSMENT FOR
APNs 443-513-11 AND 12 AT 2484 CONGRESS STREET
OLD TOWN, SAN DIEGO, CALIFORNIA**

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**Archaeological Survey
USGS Quadrangles: San Diego and Point Loma 7.5
Unsectioned Portion of the San Diego Pueblo Lands**

Guidelines: CEQA/City of San Diego

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ATTACHMENTS

- A. RECORDS SEARCH REQUEST**
- B. VERIFICATION OF COMPLETION OF RECORDS SEARCH**

EXECUTIVE SUMMARY

This technical report provides the results of an archaeological and historical inventory and survey for the less than one-acre parcel located in San Diego, California. The street address is 2484 Congress Street. The proposed project consists of construction of a surface parking lot with relatively little intrusion into the subsurface native soils. The records search, field survey, and preparation of this letter report were performed in accordance with the California Environmental Quality Act and guidelines of the City of San Diego, California.

Based on a self-search of the files at the South Coastal Information Center files and documents, historic resources (CA-SDI-14307H P37015556) have been recorded within the subject parcel and in adjacent areas. As discussed in detail in the following report two previous studies have been conducted on the subject parcels and recommendations have been made for mitigation of potential impacts to subsurface historic resources. Results of the in-field survey and literature review were positive for the presence of subsurface historic resources associated with the early inhabitants of the area under CEQA and City of San Diego criteria.

As stated in previous reports (Smith 2015; Gallegos 1996) the proposed project could potentially impact or adversely affect important recorded subsurface cultural resources. Therefore, mitigating measures are required and recommended. to ensure that proposed subsurface excavations do not adversely affect such resources. The mitigating measures should include monitoring by a qualified historic archaeologist and a member of the Kumeyaay community.

1.0 INTRODUCTION AND SUMMARY

This technical report provides the results of an archaeological and historical inventory and survey for a less than one-acre parcel located in San Diego, California. The proposed project consists of construction of a surface parking lot. The records search, field survey, and preparation of this letter report were performed in accordance with the California Environmental Quality Act and guidelines of the City of San Diego, California.

Based on a self-search of the files at the South Coastal Information Center files and documents, historic resources have been recorded within the subject parcel and on adjacent properties. Results of the in-field survey and records search were positive. The proposed project could impact or adversely affect recorded cultural resources previously recorded as historic site CA-SDI-14307-H.

1.1 Project Location and Description

The project is located in San Diego, California north of San Diego Bay and south of Highway I-8 and just east of I-5 (Figure 1). As shown on the Point Loma 7.5 USGS quadrangle, the parcel is situated within Township 16 South Range 3 West; in an unsectioned portion of the San Diego Pueblo Lands lands in a community historically named Old Town (Figure 2). The project is within a urban setting consisting of residences and mixed commercial on relatively flat lands.

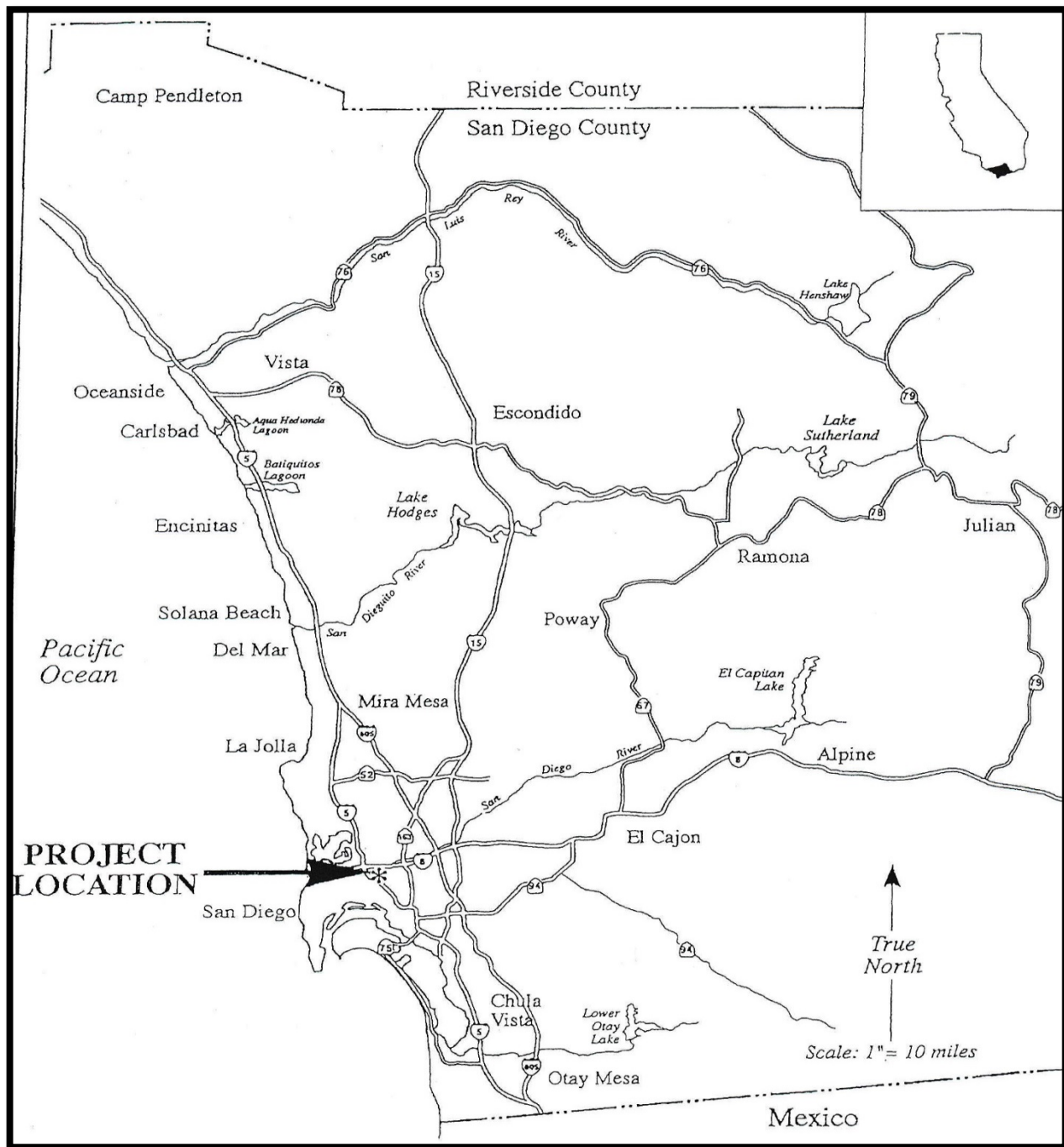


FIGURE 1: REGIONAL VICINITY MAP

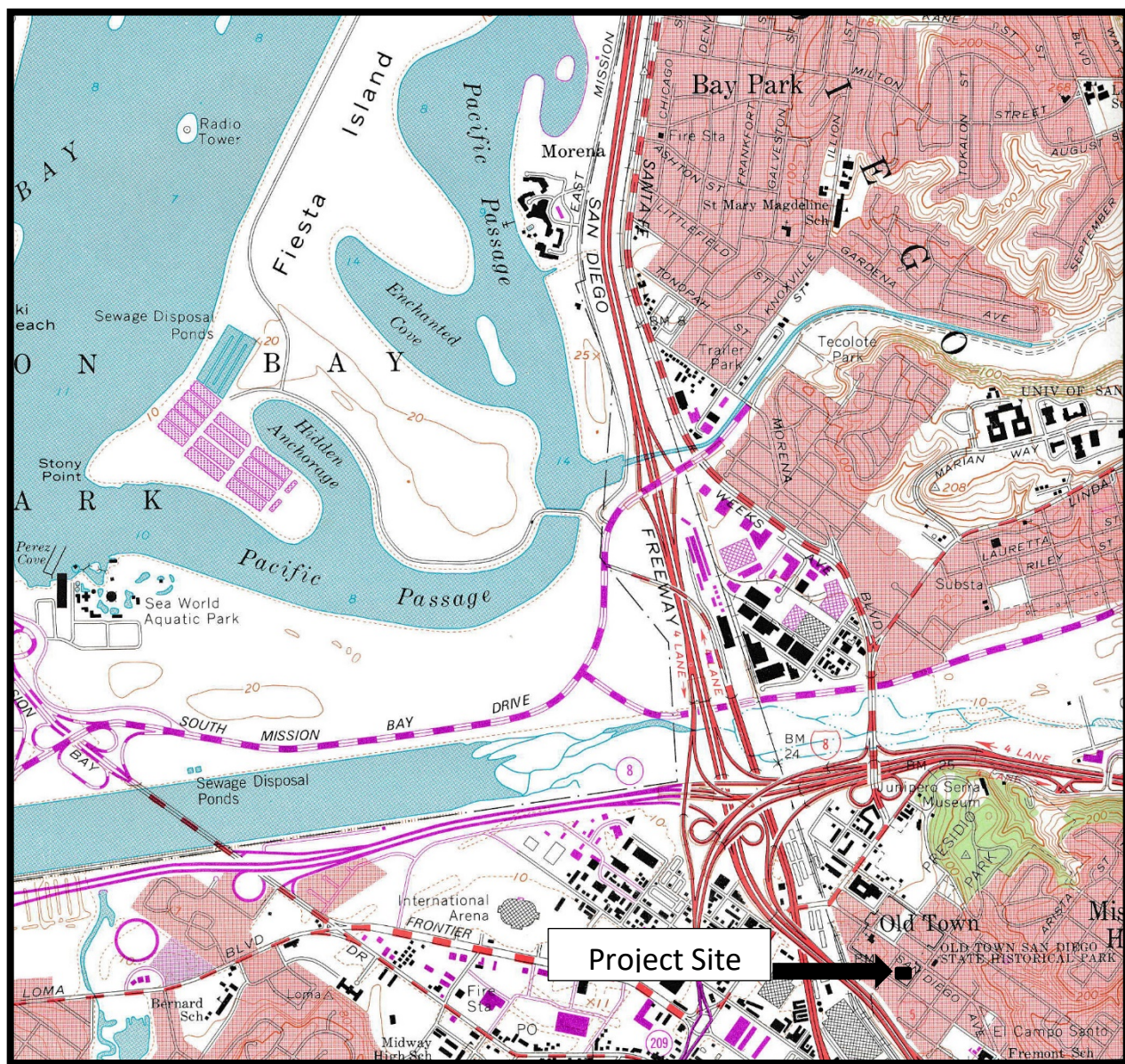


FIGURE 2
PROJECT SITE AS SHOWN ON THE
POINT LOMA USGS 7.5' QUADRANGLE

1.2 Existing Conditions

The subject parcel is an undeveloped lot that has been partially leveled and covered with gravel in anticipation of developing a parking lot. Elevation in the parcel varies from 638 feet above mean sea level (msl) on the south to approximately 592 feet above msl on the north. Historically residences and outbuildings were located within the parcel but they have been removed and the ground surface leveled.

1.2.1 Pre-Contact/Prehistoric Cultural History

Given that the focus of this study is on describing known subsurface resources and summarizing previous studies that have included extensive cultural histories, a detailed cultural history is not provided in this report. A summary is provided below and the reader is directed to Chapter I in *Strangers in a Stolen Land* (Carrico 2014) and to Smith (2015) and Kyle et. al. (1996) for a more complete background and to the academic sources that can provide a complete and detailed overview to the thousands of years of Native American history in the region.

Exactly when the First People appeared in what is now San Diego County is uncertain. Ipai and Kumeyaay creation stories and travel songs tell of a gradual migration from the northeast from a place known as *Wikamee*. This magical, mystical place is probably near Needles, California close to the nourishing waters of the Colorado River. This region is the homeland for many Yuman-speaking tribes of Alta and Baja California including the Mojave, Quechan, Pai Pai, and Cocopah. To the native people to live in San Diego County today they strongly believe that “they have always

been here” and that the categories and constructs developed by archaeologists are useful only to those persons who need such divisions.

The early people, labeled by many archaeologists as the San Dieguito and by others as those people who lived in the Early Archaic Period were largely hunters and gatherers. Most of the artifacts from 10,000 to 8,000 years ago are stone knives, spear points, small scrapers, and tools associated with chopping and cutting. The best evidence for the culture and technology of the San Dieguito comes from archaeological sites less than ten miles west of San Pasqual Valley and below Lake Hodges on the south bank of the San Dieguito River. Few artifacts from this era have been discovered in the Lakeside/El Cajon area.

These early people were ancient master craftsmen of stone tools. Their spear points and knife blades rival those of ancient Europe. Faunal remains that would tell us what they ate and how they butchered their game are rare. Based on analogies to other hunters of the same time period, they probably hunted game such as antelope and ground sloths.

Archaeologists have not yet discovered even fragmentary human remains with artifacts specifically from the San Dieguito pattern. We know nothing of their physical characteristics, or burial patterns. Similarly, beyond their stone tool-making capabilities, we know little of their technology.

By 8,000 years ago the ancient people responded to drastic environmental changes. Called the La Jolla pattern by some scholars and as occupants of the Middle Archaic by others, burial switched to inhumation (placement of the body in an excavated grave) with grave goods, probably dependent on class or wealth.

Ornamentation, often found within burials, includes beads made from clams, olivella shells, and stone. Trade with the Channel Islands (Canaliño) tribes included importation of a soapstone unique to those islands and a variety of pipes, sucking tubes, effigies, and stone knife blades made by Canaliño. Trade with tribes far to the north included glassy obsidian stone from the Coso region near present-day Ridgecrest, California.

On the coast shellfish, fish, rabbits, and marine life from the bays were intensively hunted and collected. These people made and used either balsa rafts or canoes and extended their fishing into the deeper waters off San Diego's coast. Further inland, including the Lakeside and Santee area rabbits, hares, pond turtles, and wood rats provided meat. Plants were collected and processed especially seeds and berries such as chia, buckwheat, holly-leafed cherry, chokecherry, and elderberry.

The Late Prehistoric Era of the Kumeyaay is thought to begin around 2,000-2,500 ybp in San Diego. This era is typified by cremation of the dead, pottery manufacturing (Tizon Brown Ware), use of the bow and arrow, sedentary villages like the one at *Kosaii* at the foot of Presidio Hill, or *Apti* also known as Las Chollas located near 28th Street and Indian Point along the edge of San Diego Bay. A wider exploitation of the coast, inland valleys, and mountains, a dramatically increased population, and extensive use of acorns typified this era.

Cremation gradually came into the county sometime around 1,000 years ago with the introduction of pottery. Two other traits typify this period: the use of the bow and arrow and extensive exploitation of acorns. Acorn processing is labor intensive and includes cracking the acorn open, pulverizing the nut in a mortar, milling the pulverized pieces on a metate or bedrock milling basin/slick, winnowing, and leaching.

The Ipai/Tipai (Kumeyaay) of the immediate region often lived in bipolar rancherías with one village serving as a summer home in the mountains and one being occupied at the lower elevations in the winter. The San Diego River, which historically would occasionally turn and run into what is now Old Town near the project site, was a main source of water, travel, and resources.

The 10,000 years of Indian occupation in San Diego County is rarely matched anywhere else in the United States. The descendants of these ancient people, the various bands of Mission Indians can proudly point to their deep and enduring roots in southern California.

1.2.2 Historical Overview for the Congress Street Parcel

The subject parcel is within the overall community of Old Town San Diego, California and more specifically on the eastern edge of the Pueblo San de San Diego where Mexican/Californios settled in the early 1800s. There is minimal evidence that the lot was occupied to any extent before about 1870.

Previous ownership and use of the parcels included Robert Mooney, Juliana Osuna, Juan Osuna, Felix Signoret, C Vidal and Moses Manasse; all prominent members of the early Old Town community in the 1870s. As noted by Kyle et. al. (1996:1-10 to 1-11) by 1872 with the expansion of the community to the southeast, four structures existed on the project area within the Signoret and Osuna parcels including at least two wood frame structures, an adobe structure and privies on the Osuna parcels and a possible frame structure on the Signoret parcel. A complete site history with early maps (Figure 3) is provided in Kyle et. al. (1996:2-1 to 2-8) and need not be repeated here.

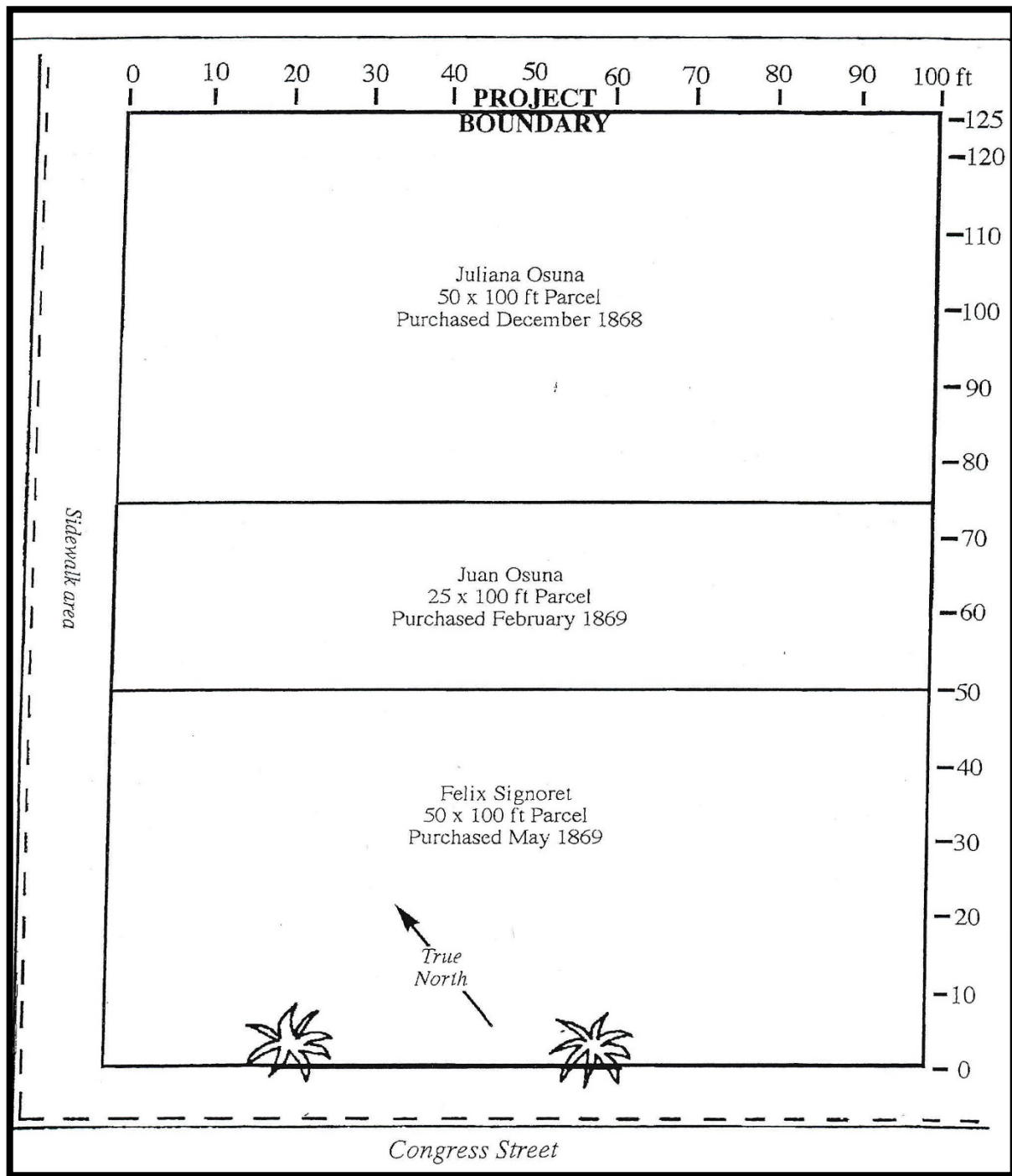


FIGURE 3
OWNERSHIP OF PROJECT SITE CIRCA 1870
(After Kyle et. al. Figure 2-1)

1.2.3 Record Search Results and Research Results

A self-search records search was conducted at the South Coast information Center on January 6, 2020, by Richard L. Carrico (Attachment A: Records Search Request). Results of the search were negative; no archaeological or historical resources were previously recorded on or near the subject parcel (Attachment B: Verification of Records Search). The primary goal of the records search was to determine if any new data was available subsequent to the records search conducted by Smith in 2014-2015 (Smith 2015). No new information regarding the property has been generated subsequent to the Smith document (2015).

A review of historic maps and background specific to the project site from the Gallegos & Associates field program (Kyle et. al. 1996), Laguna Resources (2010), and Smith (2015), indicated that important subsurface historical resources were determined to exist within portions of the parcel.

Gallegos & Associates Testing (Kyle et. al. 1996)

Beginning with the field work conducted by Gallegos & Associates in January 1996 subsurface historic resources have been noted and delineated with the subject parcel (Kyle et. al, 1996). The Gallegos team performed two mechanical surface scrapes in the northern portion of the parcel and excavated 17 trenches (refer to Figure 4). Six features (Features A-F) were identified and a total of 2,301 cultural items (artifacts and faunal remains) were recovered. Assuming that the three sherds of Tizon Brown Ware discovered on the site may have been from the post-Contact period, all of the cultural items recovered by the Gallegos team were historic with dates ranging from circa 1870 to the 1960s. There was no clear indication of precontact (i.e., pre-1769) Native American use or occupation of the parcel.

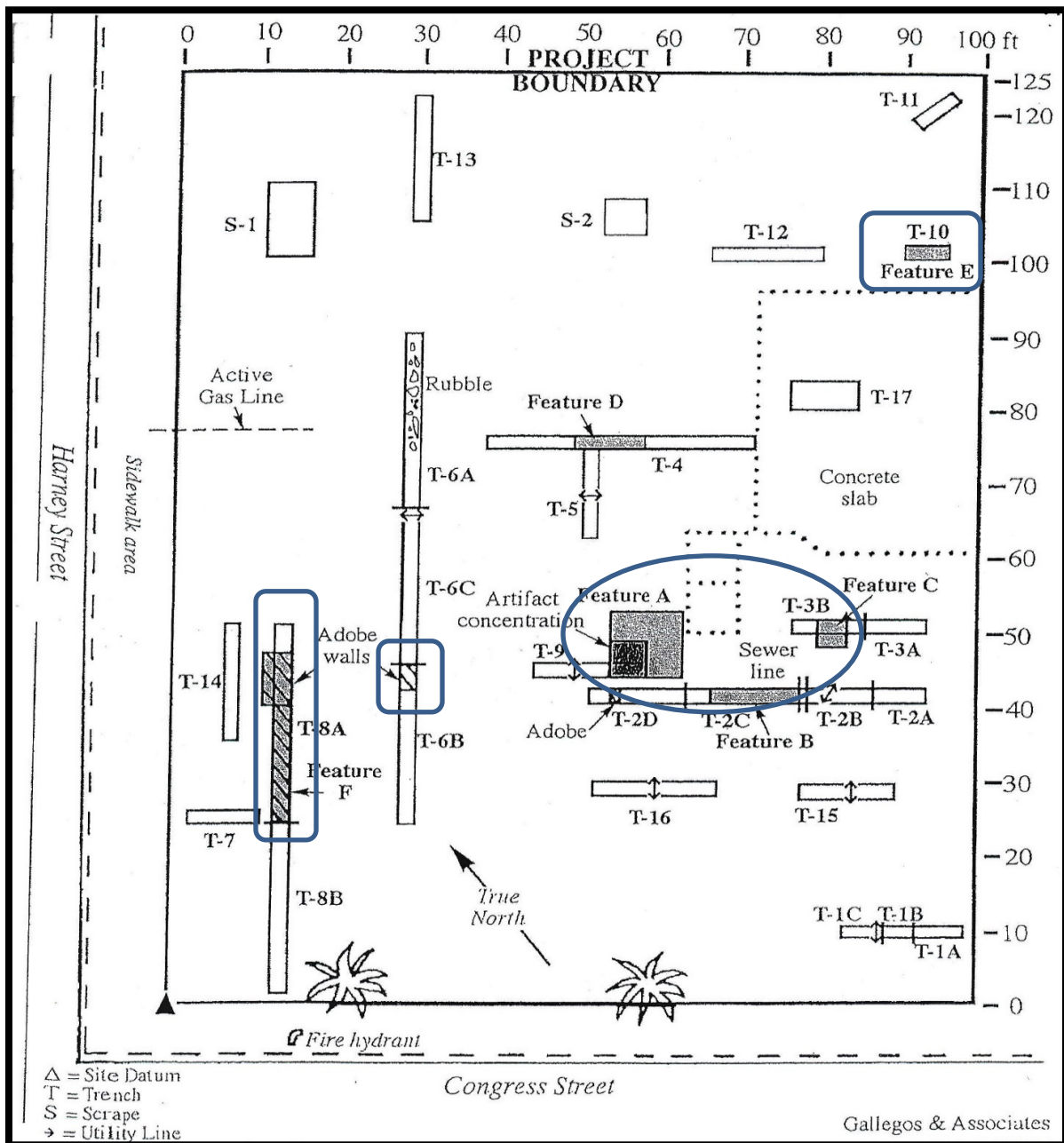


FIGURE 4

LOCATION OF PREVIOUS ARCHAEOLOGICAL TESTING WITHIN PROJECT
THE HIGHLIGHTED AREAS DEPICT RESOURCES THAT WERE DETERMINED TO BE
SIGNIFICANT UNDER CEQA

(Kyle et. al. 1996:4-11 Figure 4-1)

Feature A, which was located in the south central portion of the parcel consisted of a concentration of artifacts assumed to be a large trash deposit (Figure 4). Kyle et. al. (1996) suggested that the feature dated from approximately 1870 to 1880 and they noted that they excavated only a portion of the feature. A small portion of a partially melted adobe wall occurred just south of Feature A in Trench T-2D.

By contrast Features B through E were reported to date from the 1940s through the 1950s although in the report (Kyle et.al. 1996:v) the time period is erroneously stated to be “primarily of 19th century origin” when clearly the authors meant to write 20th century origin. Feature F was a portion of an adobe wall for which no chronological setting could be established given that adobe was used as a construction material from the earliest years of El Pueblo do San Diego circa 1820 and well into the early 1900s.

Given past grading and leveling on the parcel the finding of the Gallegos team noted that the upper 20-inch to 24-inch strata of the parcel was a mixture of gravels and non-culture bearing soils (Kyle et.al. 1996). This would seem to indicate that in general proposed removal of soils and trenching that may occur above the 20-24-inch level would not intrude into important cultural materials.

Brian F. Smith & Associates Resource Study and Ground Penetrating Radar Analysis Smith (2015)

In 2014 Brian F. Smith & Associates conducted a background study, field survey, and implementation of a Ground Penetrating Radar (GPR) evaluation of the subject parcel. The results, which were submitted to the City of San Diego relied heavily on the early Gallegos report (Kyle et. al. 1996) and added the results of the GPR analysis.

The results of the Smith study were that buried resources were present within the parcel generally in the areas delineated previous by Kyle. Further the GPR mapped anomalies probably associated with two circa 1920 sheds in the far southeastern corner of the parcel and with the circa 1920 residence previously located in the west to west-central portion of the parcel. In the case of the residential foundation the GPR indicated that the top of the anomaly existed approximately two feet below ground surface (Smith & Associated 2015:Appendix V:4). Smith concluded that “intrusions into the ground that exceed the depth of the gravel level and topsoil [approximately 20-24 inches] could encounter historic artifacts and potentially historic features that were previously identified (Smith 2015:7.0-1).”

1.3 Applicable Regulations

Consistent with the City of San Diego requirements and the stipulations for Project Design and Review, the regulations that apply are the California Environmental Quality Act (CEQA), and the City of San Diego Resource Protection Ordinance. Additionally, Section 65352.3 of the Government Code requiring the City of San Diego to enter into consultation with local Tribes and non-federally recognized Tribes/persons may be applicable.

According to CEQA (§15064.5a), the term "historical resource" includes the following:

- (1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR. Section 4850 et seq.).
- (2) A resource 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 an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be

presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. 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 (Pub. Res. Code SS5024.1, Title 14, Section 4852) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resource Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.
- (l) The significance of an historical resource is materially impaired when a project:
 - (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Section 15064.5(8) of CEQA applies to effects on archaeological sites and contains the following additional provisions regarding archaeological sites:

- (1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).
- (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
- (3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.
- (4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Section 15064.5 (d) & (e) contain additional provisions regarding human remains. Regarding Native American human remains, paragraph (d) provides:

- (D) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code §5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:
 - (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
 - (2) The requirement of CEQA and the Coastal Act.

2.0 GUIDELINES FOR DETERMINING SIGNIFICANCE

As discussed above, the guidelines for determining the significance of the resources within the parcel adhere to the California Environmental Quality Act (CEQA) and the City of San Diego guidelines which have been previously applied to the project by Kyle et. al. (1996) and Smith (2015). Kyle et. al. determined that the buried resources within the project may be associated with the early American period pioneers of San Diego including the Osuna family (Criterion B) and under Criterion E the resources are likely to yield information important in history.

The previously documented subsurface cultural resources would therefore qualify as Important under CEQA but, as stated by Kyle et. a. (1996):5-3), not as Significant under RPO.

- (B) Is associated with the lives of persons important in our past; and

- (E) Has yielded, or may be likely to yield, information important in prehistory or history.

3.0 RESEARCH DESIGN

Because the current report is a presentation of previous survey results and does not address controlled testing or data recovery, a Research Design is not required or appropriate. Although if important historic resources from circa 1870-1880 are encountered during the proposed monitoring program (Section 6) the data should be analyzed and described in the context of better understanding the American period in early San Diego. Questions may include methods of construction (residences, outbuildings, walls), economic class and status of the occupants as determined by ceramics, bottles, and other material items), and ethnicity of the occupants based on review of possible “ethnic markers” within the artifact collection. Previous studies have clearly indicated that the data sets to address these three major questions are present within at least some areas of the parcel particularly in the area in and around the subsurface adobe wall in the southwestern portion of the parcel and at Feature A in the central portion of the parcel.

4.0 ANALYSIS OF PROJECT EFFECTS

4.1 Methods

4.1.1 Survey Methods

Previous studies as discussed above in Section 1.2.3 indicated that the property has been subjected to at least two intensive field surveys including trenching and testing and an examination from beyond the chain link fence. Gallegos & Associates conducted the trenching and subsurface excavation, (Kyle et. al. 1996). In 2010 Robert Case of Laguna Mountain Environmental Inc. viewed the property from beyond the existing chain link fence but made no serious contribution to

the state of the resources beyond summarizing previous work. In 2014 Smith conducted a series of site reviews including the use of Ground Penetrating Radar (Smith 2015).

On December 20, 2019 Richard Carrico from Recuerdos Research viewed the property simply to verify that its condition is unchanged from the 2014-2015 Smith study. No apparent change or disturbance was noted.

4.1.2 Test Methods

The current study did not include any subsurface testing but rather, provides a synopsis and context for previous studies that included trenching, surface scrapes, and the use of Ground Penetrating Radar.

4.1.3 Laboratory and Cataloging Procedures

No artifacts were noted on the parcel. Artifacts from previous studies have been curated at the San Diego Archaeological Center.

4.1.4 Curatorial

There is no curation required at this level of field survey and overview research. In the event, however, that artifacts and cultural materials are encountered during the monitoring program recommended in Section 6.0 to mitigate the potential loss of cultural resources as a result of the project, all materials, notes, and reports shall be curated at the San Diego Archaeological Center.

4.1.5 Native American Participation

It is assumed that pursuant to Section 65352.3 of the Government Code and AB52 that the City of San Diego will, as applicable, enter into consultation with local Tribes and affected non-federally recognized Tribes/Persons. It is recommended that a Kumeyaay person be a member of the proposed monitoring team at the time that subsurface excavation is conducted. In the past

members of the Jamul Indian Village and the Mesa Grande Band of Mission Indians have expressed interest and concern regarding projects in the Old Town area. It is recommended that the proposed Kumeyaay monitor be selected from one of these groups.

4.2 Results

Based on a self-search of the files at the South Coastal Information Center files and documents, historic resources (CA-SDI-14307H P37015556) have been recorded within the subject parcels. As discussed in detail in the following sections three previous studies have been conducted on the subject parcels and recommendations have been made for mitigation of potential impacts to potentially important subsurface historic resources that may occur approximately two feet below current ground surface. Results of the in-field survey and literature review were positive for the presence of important subsurface historic resources associated with the early (1870-1920) inhabitants of the area under CEQA and City of San Diego criteria.

5.0 INTERPRETATION OF RESOURCE IMPORTANCE AND IMPACT IDENTIFICATION

5.1 Resource Importance

5.1.2 Historic Resources

The parcel(s) within the proposed parking lot development footprint are known to have important historic resources including a circa 1870-1880 trash feature and portions of adobe walls encountered approximately two feet below current ground surface. Under CEQA guidelines the historic trash in Feature A and the remnant of adobe walls would qualify under Criterion B and D as an Important resource but is not a Significant resource under the City of San Diego Resource Protection Ordinance.

Based on the proposed development plan for the parking lot there will be minimal subsurface disturbance and none of the excavation will occur within the area known to possess important buried resources. As shown in Figure 5 and marked as A, B, C, D, and E there are five areas of potential concern within the project. The right angle arrows marked E represent the entire surface area of the parcel. With the exception of Area E, which is the overall parcel and will require removal of soils and then recompaction, none of the proposed subsurface actions will impact or affect known cultural resources.

Area A: Subdrain runs across the southwestern and southeastern portions of the project and entails excavation for placement of a three-inch subdrain. The depth of excavation for the drain will not exceed 18-inches with an approximate width of 18-inches running for approximately 100 feet.

Area B: Possible Installation of Concrete Panels is along the southeastern boundary of the project and may include excavation of small postholes approximately 8-inches in diameter and to a depth of approximately 18-inches to place poles to support a proposed concrete panel wall approximately 30 feet in length running north to south. The panels would only be installed if it is decided to not simply raise the existing wall to construct a privacy wall. The use of concrete panels does not require excavation of a footer and is planned as such to reduce potential impacts in the event that the existing wall cannot simply be raised through the addition of additional blocks to a height not to exceed six feet.

Area C: Conduit Lines for Solar Power Kiosk/Charging Station along the southwestern edge of the parcel will require small conduit lines to be placed to power the EV charging stations.

Installation of the electrical conduits will be accomplished by excavating a trench approximately 18-inches wide and no more than 18-inches deep for approximately 28 feet.

Area D: Water Line for Landscape Irrigation along the western edge of the parcel will entail the placement of landscaping which will require minimal subsurface excavation to place small irrigation lines. The trench for installation of the irrigation lines will measure approximately 18-inches in width and to a depth of no more the 18-inches for no more than 35 feet.

Area E: Gravel/Soil Removal and Recompaction will occur across the parcel to accommodate the proposed parking lot paving. It is the recommendation of the geotechnical consultant that the existing soils be removed to a depth of 6-inches and then recompacted to a ensure a stable 6-inch layer to support the proposed paving of the lot.

Summary of Potential Effects/Impacts

Based on the results of previous research and field investigations and a comparison of the proposed development plan to the proposed actions, the proposed subsurface excavations for electrical conduits, drainage lines, irrigation lines, possible fence panel postholes, and removal and recompaction of soils should not adversely affect any known or likely to exist important cultural resource. This finding is based on review of the development plans that indicate that no subsurface excavation will occur below 18-inches; approximately 6-inches above the areas known to contain resources in some areas of the parcel.

Further as shown in Figure 6 below, with the exception of the proposed soil removal and recompaction across the parcel, the other actions would not occur in areas known to possess buried resources. The placement of paving material and use of the parcel as a parking lot will not significantly compress the subsurface soils or adversely affect burial historic resources.

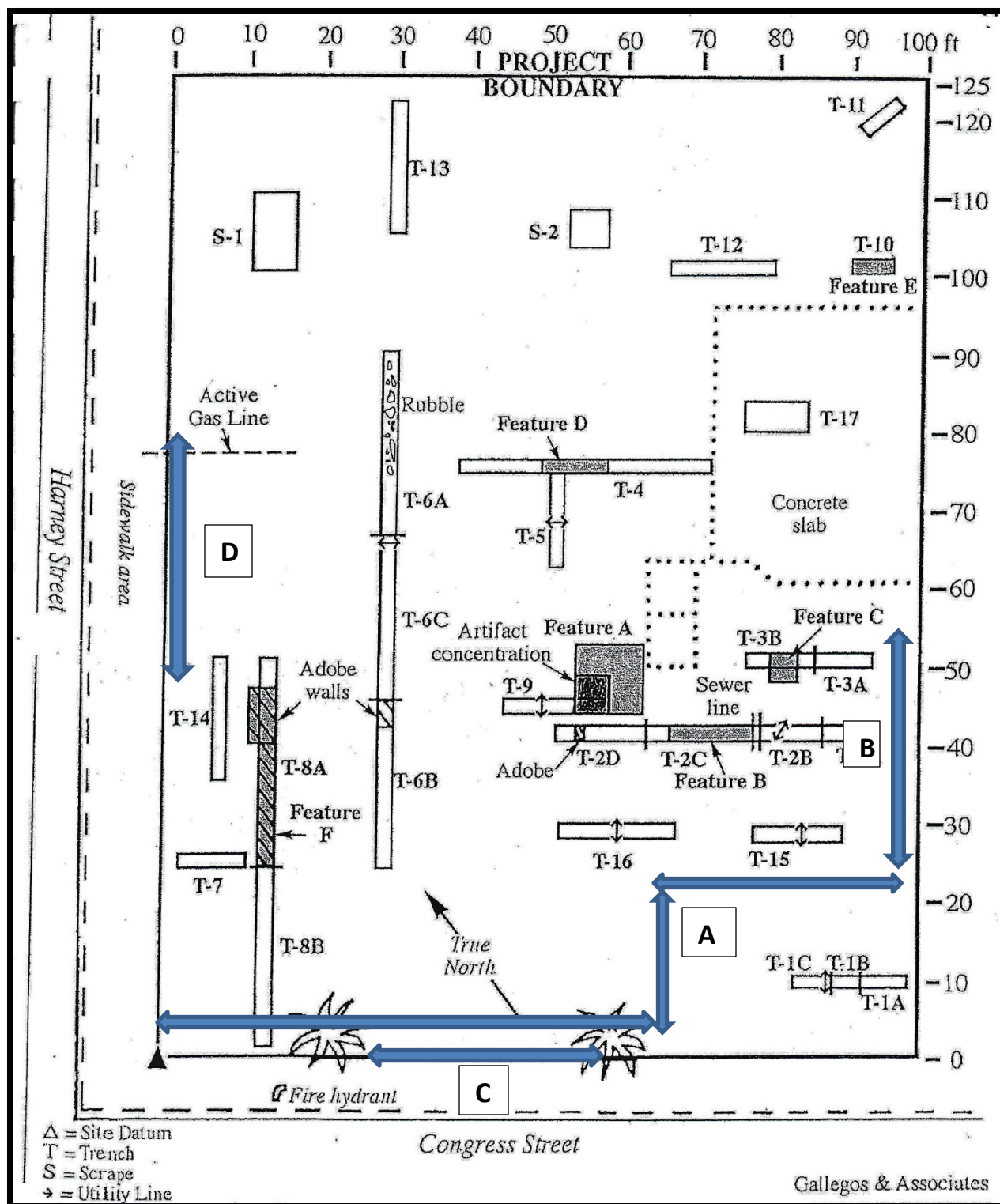


FIGURE 6
AREAS OF POTENTIAL IMPACT DESIGNATED IN RELATION TO
PREVIOUS TESTING AND KNOWN BURIED RESOURCES

6.0 MANAGEMENT RECOMMENDATIONS

The presence of culturally, historically, or architecturally significant or important cultural resources subsurface within the subject parcel leads to a finding of potential effect and of potential impacts to significant cultural resources as result of approval of the proposed construction on the parcel. This finding is consistent with the conclusions of previous researchers (Kyle et. al. 1996) and Smith (2015). The overall recommendation is that all subsurface soil excavation be carefully monitored by a qualified historic archaeologist and a Kumeyaay representative.

The following discussion is provided to ensure that mitigation monitoring guidelines are established prior to construction activities and to provide the landowner, project managers, construction supervisors, and construction personnel with a clear understanding of the requirements for ensuring that important cultural resources are not destroyed. This Mitigation Monitoring Plan (MMP) follows the guidelines and content requirements of the City of San Diego.

The measures below apply to all earthmoving, excavation, and soil removal within the Congress Street project. The procedures outline below are meant to provide a protocol for minor and major earthmoving and are a supplement to the measures detailed in the cultural resource reports and environmental documents previously approved by the City of San Diego.

Although the project site has received extensive archaeological surveys and testing, the potential for buried recorded and as yet unrecorded sites/resources within the Areas of Potential Effect (APE) is high in some areas and moderate in others. The consulting archaeologist shall use the previous reports and maps to better understand the potential

sensitivity of a given area and to be aware of the types of resources that may be encountered.

PROTOCOL

It is important that the project owners and their Contractors are in close communication with the consulting archaeologist to ensure that all parties are aware and apprised of upcoming earth moving and landform alteration. The archaeological consultant and native American monitor(s) for the Congress Street project will meet with the supervisors and crews working on the grading and soil removal activities and discuss the protocols provided below. The various parties will be provided with contact information and understand the need for rapid notification in the event of the discovery of cultural resources. Further, it is agreed that the consulting archaeologist or his/her designee, as approved by the City, and Native American monitors will be on site during those activities that entail trenching, tree removal, or other work efforts that intrude into subsoils and will ensure that the protocols are being implemented. There are specific requirements for Native American (Kumeyaay) monitors to be active participants in the monitoring and assessment process. The consulting archaeologist shall be provided with maps and/or plans for future excavation and soil disturbing activities.

Notes That Should be Added to the Grading Plan

The developer/applicant or his/her agent shall provide evidence to the City of San Diego that the following notes have been placed on the Grading Plan:

- (1) The City certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
- (2) The project archaeologist and Native American monitor shall monitor all areas identified for development.
- (3) In the event that previously unidentified potentially significant cultural resource are discovered, the archaeological monitor and Native American monitor shall have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery to allow evaluation of potentially significant cultural

resources. The Principal Investigator shall contact the City Archaeologist at the time of the discovery. The Principal Investigator, in consultation with the City staff archaeologist and Native American monitor, shall determine the significance of the discovered resources. The City Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the City Archaeologist, then carried out using professional archaeological methods.

(4) The archaeological monitor(s) and Native American monitor shall monitor all areas identified for development.

(5) If any human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), human remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. The Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant shall be identified and notified by the Native American Heritage Commission, to determine proper treatment and disposition of the remains.

(6) The Principal Investigator shall submit monthly status reports to City of San Diego starting from the date of the notice to proceed to termination of implementation of the cultural resources monitoring program. The reports shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

(7) Prior to Final Grading Release, submit to the satisfaction of the City of San Diego, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall also include the following:

- Updated Department of Parks and Recreation Primary and Archaeological Site forms.
- Evidence that all cultural material collected during the grading monitoring

program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/ researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

Or

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Development Services by the Principal Investigator that the grading monitoring activities have been completed.

Discovery of Cultural Resources During Construction, Maintenance and Operation of the MMP

In the event that any prehistoric or historic cultural resources are discovered during ground disturbing activities, all work within 25 feet of the resources shall be halted and the consulting archaeologist shall be consulted to assess the significance of the find. It is important, that to the extent possible, the cultural resource/artifact be left in place for the consulting archaeologist and Native American monitor to better determine its context and deposition.

If any find is determined to be significant by the qualified professional and/or Native American monitor, then appropriate agency and Tribal representatives shall meet to determine the appropriate course of action and present the action within a Treatment Plan (TP). Significant resources are those artifacts, features, faunal remains or other object more than 50 years of age that can contribute to our understanding of the history/prehistory of the region as defined in the California Environmental Quality Act (CEQA) and by the City of San Diego.

Development of a Treatment Plan

The Treatment Plan (TP), if required, shall include options for the preservation and/or investigation of resources determined to be significant/important resources under CEQA. The TP may recommend the following measures:

- Site avoidance by preservation of the site in a natural state in open space or in open space easements.

- Site avoidance by preservation through capping of the site with sterile soils and placing landscaping on top of the fill.
- Data recovery through implementation of an excavation and analysis program.
- A combination of one or more of the above measures

In all instances of the discovery of resources determined to be significant/important consultation with the affect Native American tribes shall be an integral element of the action.

Inadvertent Discovery of Human Remains

If human remains are encountered, work shall halt in the vicinity of the find and the San Diego County Medical Examiner (ME) shall be notified immediately. If the remains are determined to be of Native American origin the ME has obligations under state and county statutes. Although it is the responsibility of the ME to contact the Native American Heritage Commission (NAHC) and for the NAHC to determine the Most Likely Descendant (MLD), given the long history of the Tribes within the Valley Center area, the consulting archaeological shall also contact these groups concurrent with the NAHC. The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods. This may include reburial within an area within or contiguous with the discovery location.

Preparation of Mitigation Monitoring Reports and Final Report

The consulting archaeologist shall provide the City with monthly Monitoring Reports that will include a synopsis of the previous weeks monitoring efforts. The reports will include a status of the project, any issues that were encountered, and how any such issues were resolved.

Within two months of the termination of grading and excavation, the consulting archaeologist shall submit to the City a Draft Mitigation Monitoring Report. The Report will include all field monitoring forms, maps, photographs, and a narrative describing the monitoring activities and the results of the field monitoring. Subsequent to City review, the consulting archaeologist will revise the Draft report and incorporate changes and modifications requested by the City.

Disposition of Artifacts and Cultural Materials

Artifacts and non-human faunal remains and all other cultural material encountered and recovered during monitoring or subsequent excavation/analysis shall be treated consistent with the guidelines provided by the City of San Diego. Such materials shall be studied and analyzed as part of the overall mitigation program and upon

completion of the studies such materials, notes, and reports be permanently curated at a federally recognized facility (i.e. the San Diego Archaeological Center). Additionally, local Tribes shall have the right to request taking possession of those items that they consider to be an element of their cultural patrimony or items that possess cultural sensitivities.

7.0 REFERENCES

Carrico, Richard L.

2014 *Strangers in a Stolen Land*. El Cajon: Sunbelt Publications.

Carolyn Kyle, Roxanna Phillips, Susan Bugbee, and Dennis Gallegos

1996 Historical/Archaeological Test for Old Town Hitching Post Project. A Portion of Lot 1 Block 481(27) Old Town San Diego, California. Report prepared by Gallegos and Associates for The Old Town Hitching Post, LLC. On file at the South Coastal Information Center and the City of San Diego.

Laguna Mountain Environmental, Inc.

2010 Letter Report for the Assessment of Potential Damage to Archaeological Resources at 2484 Congress Street (Assessor's Parcel Nos. 443-513-11&12) Old Town, San Diego, California. Report prepared by Laguna Resources for Fine Line Drafting and on file at the South Coastal Information Center.

Smith Brian F.

2015 A Cultural Resources Study for 2484 Congress Street, Old Town San Diego, California. Report prepared by Brian F. Smith & Associates for LED Partnership. On file at the South Coastal Information Center and the City of San Diego.

United States Government

1900- Federal Census for San Diego County

1940

Tax Factor Maps

1928 Aerial Images of San Diego County. Downloaded from the San Diego Archaeological Center.

ATTACHMENT A:
REQUEST FOR SELF SEARCH AT SCIC

**Recuerdos Research
PO Box 387
Warner Springs, CA
92086
760-518-1471
receurdosresearch@gmail.com**

Jaime Lennox
SCIC
San Diego State University

January 1, 2020

Re: Request to Conduct Self Search for the APN 443-513-11&12 Project, Congress Street, Old Town San Diego California. Recuerdos Project #19-0026

Jaime per our e-mail communications of late last year I would like to come into SCIC on January 6, 2020, to conduct a self-search of the records and documents for a less than 1-acre parcel located near in Old Town San Diego, California.

I am completing an archaeological and historical report for the Client for their submittal to the City of San Diego.

This work is being conducted in support of completion of an environmental planning document for a private client. I will be conducting a search within a one mile radius of the project site.

Thank you for the opportunity to conduct this self-search.

Richard L. Carrico
Recuerdos Research

ATTACHMENT B:
VERIFICATION OF SELF SEARCH AT SCIC

