CITY OF SAN LUIS OBISPO
CULTURAL HERITAGE COMMITTEE STAFF REPORT

BY: Michael Codron, Associate Planner, 781-7175    MEETING DATE: March 24, 2008

FROM: Kim Murry, Deputy Director, Long-Range Planning

PROJECT ADDRESS: Orcutt Area – 231 acres of land in the southeastern portion of San Luis Obispo, bounded by Tank Farm Road, Orcutt Road and the Union Pacific Railroad.

SUBJECT: Overview and discussion of policies and programs relating to cultural resources in the Orcutt Area Specific Plan and Draft Environmental Impact Report.

SUMMARY RECOMMENDATION

The CHC should take the following actions relative to this item:

1. Receive a presentation on the Orcutt Area Specific Plan and discuss Section 2.5 of the Orcutt Area Specific Plan and Section 4.5 of the Draft EIR.

2. Continue consideration of the item until the April meeting for discussion and deliberation. (In April, the CHC will be asked to provide staff with direction on any changes identified by the Committee that should be incorporated into the Plan or EIR to insure consistency with the City’s General Plan and Archeological Resource Preservation Guidelines.)

BACKGROUND

The Cultural Heritage Committee is being asked to review the Orcutt Area Specific Plan (OASP) to insure that the Plan’s policies and programs are consistent with Chapter 3, Cultural Heritage, of the Conservation and Open Space Element (COSE) of the General Plan. A draft EIR for the OASP has been prepared and several mitigation measures are recommended. Staff is asking the CHC to determine that these mitigation measures are consistent with the City’s Archeological Resource Preservation Guidelines.

Orcutt Area Specific Plan, Project Description

The Orcutt Area is located in the unincorporated county, southeast of and adjacent to the City limits. The 230 acre area is bounded on three sides by the existing city limits, with Tank Farm Road to the south, Orcutt Road to the east and north, and the Union Pacific Railroad (UPRR) to the west (Attachment 1, Vicinity Map). There are currently 21 parcels, with thirteen different property owners, in the Orcutt Area.

The OASP includes policies and programs that will guide future annexation and development of the area in a manner consistent with the General Plan, as required by state law. It calls for open space, park, residential, and mixed residential and commercial land uses (mixed-use development) as well as associated roads and multi-use pedestrian/bike paths. A potential site for a school is also identified.
Residential development would take up approximately half of the total area, open space and recreation approximately 45%, and the remaining land would be developed with mixed-use and public facilities. At full buildout the plan provides for 979 homes. The OASP contains detailed information on the acreage and location of each use, but since the exact size of future parcels cannot be determined at the specific plan level, these numbers have been generalized (Attachment 2, Land Use Summary).

EVALUATION

What does the Orcutt Area Specific Plan say about cultural resources?

Section 2.5 of the OASP (Attachment 3) includes a goal, policy and program relative to cultural resources, as follows:

**Goal 2.5:** Ensure long-term protection of cultural resources.

**Policy 2.5.1:** Provide for the protection of both known and potential archaeological resources.

**Program 2.5.1a:** Implement mitigation measures included in Appendix C as appropriate when entitlements in the Orcutt Plan Area are requested from the City.

The OASP is intended to function as a self-mitigating plan. Therefore, all of the mitigation measures from the project’s Draft EIR are incorporated directly in the plan, either in the relevant chapter or an appendix.

What does the OASP Draft EIR say about cultural resources?

The analysis included in the Draft EIR is based on a review of the regional setting and likelihood of prehistoric and historic resources to be located in the project area (Attachment 4). A record search was conducted at the Central Coast Information Center (CCIC), and with the Native American Heritage Commission (NAHC). In addition, the National Register of Historic Places, the California Historical Landmarks and California Points of Historical Interest, the State Historic Resources Inventory and the City’s Master List of Historic Resources was reviewed.

Project impacts and mitigation measures were developed with the benefit of an archeological survey performed by Conejo Archeological Consultants. The CHC should note that the survey is qualified as “tentative” because the consultants did not have access to all of the properties in the Orcutt Area and ground surface visibility was poor in some locations of the survey because of overgrown grasses. As a result, the mitigation measures listed in the Draft EIR are programmatic – they provide a series of actions, such as additional surveys and monitoring, that must be performed prior to and in conjunction with future development proposals.
Are the OASP and Draft EIR Consistent with the General Plan?

The following policies are found in Chapter 3 of the Conservation and Open Space Element of the General Plan (Attachment 5). An evaluation of consistency or inconsistency is provided in italics after each policy listed below. In some cases, a recommendation is made for the CHC to take a particular action to insure consistency with City policy.

3.3.1 Historic preservation.
Significant historic and architectural resources should be identified, preserved and rehabilitated.

The Orcutt Area Specific Plan does not include a discussion of the historic significance of the Skinner House, which will be annexed into the City and preserved through a conservation easement. The ranch house site will remain outside of the City’s urban reserve and will not be subdivided or developed beyond the current use. However, some discussion regarding whether the house is eligible for the City’s Inventory of Historic Resources should be included in the OASP. The Draft EIR does not include such a discussion because no development is proposed for the ranch house site.

The only other historic building identified in the Draft EIR is the Rodriguez Adobe, located in the Edna-Islay area, which will be unaffected by development in the Orcutt Area.

3.5.1 Archaeological resource protection.
The City shall provide for the protection of both known and potential archaeological resources. To avoid significant damage to important archaeological sites, all available measures, including purchase of the property in fee or easement, shall be explored at the time of a development proposal. Where such measures are not feasible and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required pursuant to the Archaeological Resource Preservation Program Guidelines.

The survey prepared by Conejo Archeological Consultants found and recorded one prehistoric site and two isolated prehistoric finds. These finds were made in the general vicinity of Righetti Hill and at the convergence of three creeks that occurs in the southwestern portion of the Orcutt Area.

The Draft EIR says that disturbance at these sites would be a potentially significant impact and mitigation measures are recommended that require subsurface archeological testing and construction monitoring in the area.

It is expected that these studies would be undertaken prior to the property owner’s submittal of plans for subdivision and development. The results of the subsurface testing and recommendations for recovery or avoidance of archeological resources should be reflected in the design of the subdivision.
Recommendation: Direct staff to modify the Orcutt Area Specific Plan to include a program for subsurface archeological testing, for those areas with known resources, prior to submittal of a planning application for residential subdivision. A new policy should be added to the OASP that directs subdivision design to reflect the discoveries and recommendations of the subsurface testing program, consistent with the Conservation and Open Space Element.

3.5.2 Native American sites.
All Native American cultural and archeological sites shall be protected as open space wherever possible.

The primary areas where Native American cultural and archeological sites are expected to occur in the Orcutt Area are located along the creek corridors and in the Righetti Hill open space area. These areas will be protected as open space. If areas that are zoned for development include cultural or archeological sites, then the design of those subdivisions shall respond to the recommendations of the archeological studies in a manner consistent with Section 4.30 of the Archeological Resource Preservation Guidelines and the Conservation and Open Space Element of the General Plan.

3.5.3 Non-development activities.
Activities other than development which could damage or destroy archeological sites, including off-road vehicle use on or adjacent to known sites, or unauthorized collection of artifacts, shall be prohibited.

The Draft EIR identifies indirect impacts to archeological resources that could result from increased population in the area. Mitigation measure CR-3(a) requires signs to be posted to discourage off-road vehicle use or unauthorized collection of artifacts. The open space areas in the Orcutt Area will be privately owned and managed, except for Righetti Hill, which will be used as an open space resource consistent with a management plan that will be developed before the area is open to the public.

3.5.4 Archaeologically sensitive areas.
Development within an archaeologically sensitive area shall require a preliminary site survey by a qualified archaeologist knowledgeable in Native American cultures, prior to a determination of the potential environmental impacts of the project.

The OASP and Draft EIR are consistent with this requirement because the EIR is a program level document. The potential environmental impacts of the project will not be determined until specific development proposals are brought forward. The Orcutt Area includes many sensitive areas, including those areas within 200 feet of any creek and all of Righetti Hill. Further investigations into archeological resources are required by the Draft EIR and by the City's Archeological Resource Preservation Guidelines prior to determination of potential environmental effects of proposed projects. As discussed in the recommendation above, the results and recommendations of future archeological studies are expected to be reflected in the design of subdivision proposals in the area.
3.5.5 Archaeological resources present.
Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: presence of a qualified professional during initial grading or trenching; project redesign; covering with a layer of fill; excavation, removal and curation in an appropriate facility under the direction of a qualified professional.

Staff is looking for direction from the CHC on this policy to better understand what should be considered a "substantial" archeological resource. Staff assumes that this term is meant to reflect evidence of a settled area, as opposed to isolated finds. Staff will also seek input from Native American tribal representatives to better understand how to implement this policy with respect to the Orcutt Area.

3.5.6 Qualified archaeologist present.
Where substantial archaeological resources are discovered during construction or grading activities, all such activities in the immediate area of the find shall cease until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.

This policy reflects the procedures outlined in the Archeological Resource Preservation Guidelines, which are implemented with each planning application and construction permit application in the City. In the Orcutt Area, implementation of mitigation measures from the Program EIR should insure that resource discoveries are made earlier in the design and development process so that discoveries are not made during construction.

3.5.7 Native American participation.
Native American participation shall be included in the City's guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considers updates or significant changes to its General Plan.

The City has received requests for consultation from three Native American tribal representatives. Staff is providing them with information about the OASP so that they are aware of the proposed changes and land uses in the area. Any feedback provided by the representatives will be forwarded to the CHC for consideration during the April meeting.
3.5.8 Protection of Native American cultural sites.
The City will ensure the protection of archaeological sites that may be culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance; sites that may have religious value, even though no artifacts are present; and sites that contain artifacts which may have intrinsic value, even though their archaeological context has been disturbed.

The Draft EIR indicates that the Native American Heritage Commission failed to identify any sacred lands within the Orcutt Area. Consultation with the Native American tribal representatives is the next step to identify any significant cultural sites within the Orcutt Area. Although the Draft EIR indicates that the “Chumash consultants” contacted about the project have not identified any concerns, staff has been contacted by three tribal representatives and will be following up with them consistent with the SB 18 tribal consultation process.

3.5.11 Cultural resources and open space.
Within the city limits the City should require, and outside the city limits should encourage the County to require, public or private development to do the following where archaeological or historical resources are protected as open space or parkland:

1. Preserve such resources through easements or dedications. Subdivision parcel lines or easements shall be located to optimize resource protection. Easements as a condition of development approval shall be required only for structural additions or new structures, not for accessory structures or tree removal permits. If a historic or archaeological resource is located within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement shall be clearly defined and conditioned prior to map or project approval.

2. Designate such easements or dedication areas as open space or parkland as appropriate.

3. Maintain such resources by prohibiting activities that may significantly degrade the resource.

The portions of the Orcutt Area that are most likely to include archeological resources include the Righetti Hill open space and the creek areas, particularly the confluence of creeks adjacent to the area planned for the neighborhood park. Both of these areas will be owned in fee by the City of San Luis Obispo, and managed according to City policy and typical practice, including patrol by City Police and Rangers.

Normally, when the City provides public trails in an open space area, a conservation and management plan is also created to insure that habitat areas and areas of cultural sensitivity are
protected and that recreational uses are consistent with maintaining the open space land in its natural beauty.

Staff is recommending that a new policy be added to the Orcutt Area Specific Plan to insure that Native American tribal representatives are consulted during the development of an open space management plan for Righetti Hill. The management plan must be informed by a survey of archeological resources, which is required by mitigation measure CR-1(b).

Are the OASP and Draft EIR consistent with the Archeological Resource Preservation Guidelines?

The OASP and Draft EIR can be consistent with the Archeological Resource Preservation Guidelines provided the recommended policies discussed in bold italics above, and the mitigation measures recommended in the Draft EIR, are incorporated into the specific plan. The mitigation measures are already listed in Appendix C of the OASP, but additional policies should be added to OASP Section 2.5 as discussed above to insure compliance.

In addition, staff recommends that Section 4.30 of the Guidelines should be incorporated into the specific plan to insure that preferred methods for mitigating potential impacts to archeological resources are considered early in the design and development process. To the extent that future subdivision proposals follow the preferred approaches listed below, they will be consistent with the Archeological Resource Preservation Guidelines and the Conservation Open Space Element of the General Plan.

4.30 Mitigation Methods - Avoidance.

For archaeological resources found to be significant, the preferred mitigation is protection in-situ through preservation, avoidance or capping. Preservation may be accomplished in several ways, including but not limited to:

4.30.1. Locating development and construction activities to avoid archaeological sites;

4.30.2. Planning open space areas to include archaeological sites. Cultural sites and archaeological sites should be protected as open space wherever possible;

4.30.3. Capping or covering archaeological sites with a layer of culturally sterile soil before building. This layer shall be sufficiently thick to be able to incorporate all foundation footings, utility trenches, grading, etc. without disturbing the native soil. Capping may be used where:

A. The soils to be covered will not suffer serious compaction;
B. The covering materials are not chemically active;
C. The site is one in which the natural processes of deterioration have been effectively arrested; and
D. The site has been recorded and characterized as a result of subsurface testing.
4.30.4. Deeding archaeological sites into permanent conservation easements.

4.30.5. Employing other measures that eliminate the potential for damage to archaeological resources.

4.30.6. Project design or location changes to avoid significant archaeological resources.

4.30.7. Incorporating significant sites or structures into a development through restoration, rehabilitation, or adaptive reuse where avoidance is not possible.

4.30.8. Dedication of an historic easement or fee title land to preserve significant sites.

4.30.9. Archaeological data recovery excavation.

In conclusion, staff believes that the Orcutt Area Specific Plan can be consistent with the policies of the Conservation and Open Space Element and the Archeological Resource Preservation Guidelines provided additional direction is included in the specific plan relative to survey requirements and subdivision design. Specifically, archeological surveys that may be required in the future should be done early in the design development process to insure flexibility for implementing the avoidance measures listed above.

Alternatives

1. Discuss the Orcutt Area Specific Plan and provide direction to staff before the April meeting. It is recommended that the CHC continue consideration of this item because of the length of the agenda and because staff needs additional time to consult with tribal representatives before a final recommendation is made to the Committee.

2. Direct additional changes to the Orcutt Area Specific Plan. The CHC may direct other changes necessary to insure that the OASP is consistent with the City’s cultural resources policies and practices.

ATTACHMENTS

1. Vicinity Map
2. Land Use Summary
3. OASP Section 2.5
4. OASP Draft EIR Section 4.5
5. COSE Chapter 3

Provided for the Commission:

The Public Hearing Draft of the OASP is provided for the Commission. Staff is trying to conserve the number of these documents that need to be printed and would like for the CHC to return these documents after the April meeting, if possible.
FIGURE 1.1 SITE LOCATION MAP
# TABLE 1.1 - LAND USE SUMMARY

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
<th>Acres</th>
<th>Density</th>
<th>Total Units</th>
<th>% offront area</th>
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<td><strong>RESIDENTIAL</strong></td>
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<td></td>
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<tr>
<td>Low Density Residential</td>
<td>R-1-SP</td>
<td>53.29</td>
<td>Up to 7 du/acre²</td>
<td>264</td>
<td>23.08%</td>
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<td>Detached single family, 5,000-15,000 sf. Lots</td>
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<td></td>
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<tr>
<td>Medium Density Residential</td>
<td>R-2-SP</td>
<td>31.23</td>
<td>Up to 12 du/acre²</td>
<td>276</td>
<td>13.53%</td>
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<tr>
<td>Detached/attached single family w/zero lot line; duplex units¹</td>
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<td>Minimum lot size of 3,000 sf.</td>
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<tr>
<td>Medium-High Density Residential</td>
<td>R-3-SP</td>
<td>20.88</td>
<td>Up to 18 du/acre²</td>
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<td>Multi-plex units, mobile homes and multi-family apartments¹</td>
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<tr>
<td>High Density Residential</td>
<td>R-4-SP</td>
<td>5.4</td>
<td>Up to 24 du/acre²</td>
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<td>Multi-family apartments¹</td>
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<td><strong>Subtotal</strong></td>
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<td><strong>OPEN SPACE AND RECREATION</strong></td>
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<td>Parks</td>
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<td>Neighborhood Park (ball fields; ball courts; playgrounds)</td>
<td>P-F-SP</td>
<td>12.39</td>
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<td>Linear Park/Floodable Terrace</td>
<td>P-F-SP</td>
<td>6.78</td>
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<td>Playgrounds and greens in medium high density residential³</td>
<td>R-3-SP/ R-4-SP</td>
<td>1.55</td>
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<tr>
<td><strong>Total Parks</strong></td>
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<td>Roads</td>
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<td><strong>TOTAL</strong></td>
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<td>230.85</td>
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<td>979³</td>
<td>100.00%</td>
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¹ These types of housing reflect examples of housing types within each residential category.
² This range reflects the minimum and maximum densities for residential development.
³ Playgrounds and greens in medium-high and high density residential (R-3 and R-4) is at 0.06 acres per acre of development.
⁴ This plan provides 20.72 acres total of active park, 19.17 acres will be zoned P-F-SP and 1.55 acres will be zoned R-3-SP/R-4-SP.
⁵ This figure represents full development potential, not of maximum allowed units on each property, actual development may be lower.
⁶ This acreage is for CC-MU and is expected to support 8,000 SF of retail and 8,500 SF of office space. The balance of the area will be devoted to residential in a mixed-use configuration.
Program 2.4.1d: Buildings on 'sensitive' parcels adjacent to Orcutt Road and Tank Farm Road shall not include a second story unless the building is set back from the adjacent edge of the right-of-way by at least 50 feet to maintain views of Righetti Hill and other important visual resources.

Program 2.4.1e: During the Subdivision Review process, the Planning Commission shall consider the overall size, width, depth, and orientation of lots within 'sensitive' parcels adjacent to Tank Farm Road east of Brookpine and Orcutt Road along the northern boundary of the plan area to insure that buildings can be adequately spaced apart and set back from the roadway to maintain views of important visual resources.

Figure 2.8 Separated Pedestrian Path with Landscape Buffer

2.5 Archaeological and Historic Resources

The current uses in the Orcutt Plan Area are not dramatically different than those established in the 1800’s when wild cattle grazed the area. The Skinner Ranch, which is now known as the Righetti Ranch and is located in the southeastern corner of the Orcutt Area, was one of the earliest developments in the project area, circa 1889. Today the Orcutt Area land use consists of farms and ranchlands, single-family homes, mobile homes, and commercial storage.

Conejo Archeological Consultants’ conducted a cultural records search and a limited archaeological survey in the plan area. The team identified one prehistoric site (Orcutt-1) and two isolates (Isolate 1 and 2) and two isolated prehistoric finds in the Orcutt Plan Area. Given the presence of an archaeological site, isolated artifacts, and historic ranch operations on the site, there is potential for buried archaeological deposits to occur within the project site.

Goal 2.5: Ensure long-term protection of cultural resources.

Policy 2.5.1: Provide for the protection of both known and potential archaeological resources.

Program 2.5.1a Implement mitigation measures included in Appendix C as appropriate when entitlements in the Orcutt Plan Area are requested from the City.
4.5 CULTURAL RESOURCES

This section is based on an archaeological resource inventory conducted by Mary Maki of Conejo Archeological Consultants. One small prehistoric site and two isolated cores were recorded within the Plan Area. Project construction could result in direct impacts to these archaeological sites. In addition, indirect impacts to cultural resources may be associated with the new residential population. Mitigation measures are recommended to reduce potential project impacts to less than significant levels.

4.5.1 Setting

a. Regional Setting

Prehistoric Resources. The project area lies within the historic territory of the Native American Indian group known as the Chumash (Kroeber 1953; Greenwood 1972; Gibson 1983). The Chumash occupied the region from San Luis Obispo County to Malibu Canyon on the coast, and inland as far as the western edge of the San Joaquin Valley (Grant 1978). The Chumash are grouped based on their six distinct dialects. The Obispeño were the northernmost Chumash group, occupying much of San Luis Obispo County, including the Arroyo Grande area (Gibson 1983). The name Obispeño is derived from the local mission, San Luis Obispo de Tolosa.

The archaeological record indicates that sedentary populations occupied the coastal regions of California more than 9,000 years ago. Several chronological frameworks have been developed for the Chumash region including Rogers (1929), Wallace (1955), Harrison (1964), Warren (1968), and King (1990). King postulates three major periods — Early, Middle and Late. Based on artifact typologies from a great number of sites, he was able to discern numerous style changes within each of the major periods. The Early Period (8000 to 3350 Before Present [B.P.]) is characterized by a subsistence economy based primarily on seed processing. The Middle Period (3350 to 800 B.P.) is marked by a shift in the economic/subsistence focus from plant gathering and the use of hard seeds, to a more generalized hunting-maritime-gathering adaptation, with an increased focus on acorns. The full development of the Chumash culture, which is considered one of the most socially and economically complex groups in North American pre-history, occurred during the Late Period (800 to 150 B.P.).

The Chumash way of life was forever changed with Spanish colonization. As neophytes were brought into the mission system they were transformed from hunters and gatherers into agricultural laborers and exposed to diseases to which they had no resistance. By the end of the Mission Period in 1834, the Chumash population had been decimated by disease and declining birthrates. Population loss as a result of disease and economic deprivation continued into the next century.

Historic Resources. The first European contact in San Luis Obispo County occurred in 1595, when Sebastian Rodriguez Cermeno put in at Port San Luis (Krieger 1988). The next documented European expedition to land in the area was Sebastian Vizcaino in 1602. Over one hundred and fifty years passed before the next major European expedition reached San Luis Obispo County. In 1769, Gaspar de Portola and Fray Crespi departed the newly established San Diego settlement and marched northward toward Monterey with the objective of securing the
port and establishing five missions along the route. They passed through present-day San Luis Obispo County that same year. Three years later, in 1772, Father Serra founded the Mission San Luis Obispo de Tolosa.

Spanish rule in Alta California came to an end in 1821 with Mexican Independence. The missions were secularized in 1832. During Mexican rule, missions declined in influence and large cattle ranches (called ranchos) came into dominance in the San Luis Obispo area. The Corral de Piedra Rancho is located just south of the Orcutt Area and was originally used as grazing land for the mission cattle and takes its name from stone corrals there that date from the mission period (Hill-Patton 1994). The Mexican Period ended with the signing of the Treaty of Guadalupe Hidalgo in 1848, which transferred control of California, New Mexico, Texas, and other western properties to the United States.

b. Site Specific Setting. Wild cattle grazed the Orcutt Area in the early years, but by the 1880s the area was dotted with dairies. Later, dry farming of crops including hay, grain and beans spread across portions of the Orcutt Area.

One of the earliest developments in the project area was the Skinner Ranch, which is now known as the Righetti Ranch and is located in the southeastern corner of the Orcutt Area. A house and barn are depicted on the property in an 1889 map. Edwin E. Skinner was a wagon maker from Wisconsin. Skinner had no access to his property and was an initial participant in the Orcutt Road petition and bond process, which was originally petitioned as Islay Road in 1889, but the name soon became the Corral de Piedra - Islay Road. It left the town of San Luis Obispo at Broad Street and continued behind the last two “Sisters”, a chain of volcanic plugs that stretch from Morro Bay, to the Corral de Piedra Rancho subdivision road that ended just east of Islay Hill. The road provided an outlet from the Orcutt Area and also connected with the westerly end of the road that led through the Corral de Piedra.

In the early 1900s, fruit and vegetable packing sheds sprang up along Orcutt Road. During the years of World War II, Ernest Volmer took over the operation of the packing sheds left by the Japanese when they were sent out of the county for internment. Poultry ranches arose within parts of the Orcutt Area and breeder houses were established. Today the Orcutt Area land use consists of farms and ranchlands, single-family homes, mobile homes, and commercial storage.

Ms. Maki conducted a record search at the Central Coast Information Center (CCIC), which is housed at the University of California, Santa Barbara, on January 16, 2004. The CCIC records identified five archaeological sites within a 0.5-mile radius of the Orcutt Area. None of the archaeological sites are located within or adjacent to the Orcutt Area, and thus none will be directly or indirectly impacted by project implementation. The Native American Heritage Commission (NAIIC) failed to identify any sacred lands within the project area, and the Chumash consultants contacted about this project have identified no project concerns to date.

The National Register of Historic Places (2004), the listings of the California Historical Landmarks (2004) of the Office of Historic Preservation, and the California Points of Historical Interest (1992), list no historic properties within or adjacent to the project site. The California State Historic Resources Inventory (HRI) (2003) lists one property adjacent to the Orcutt Area, the Bettencourt Adobe/Rodriguez Adobe located at 4025 Orcutt Street. The adobe was evaluated in 1988 as not being eligible for listing on the National Register, but as still meriting

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4.5-2
special consideration. The City of San Luis Obispo's (2003) Master List of Historic Resources includes the Orcutt Adobe (which the HRI referred to as the Bettencourt/Rodriguez Adobe).

4.5.2 Impact Analysis

Cultural resources are places or objects that are important for scientific, historical, and religious reasons to cultures, communities, groups, or individuals. Cultural resources include archaeological sites, architectural remains, and other artifacts that provide evidence of past human activity. Cultural resources also include places of importance in the traditions of societies or religions. The types of activities conducted at sites and the distance of sites from villages or other types of settlements varied depending on changes in the sizes of territories the region was divided into; the degree to which populations were concentrated in a few or many settlements; the exact locations of neighboring settlements; and the relative importance of particular resources. Sites may have been used in different ways during different time periods.

a. Methodology and Significance Criteria. To determine impacts to cultural resources, it is necessary to assess the significance of the resources and the effects of the project on their significance. The significance of cultural resources in the project area is based on their importance to scientific-historic research, their importance to Native Americans, and their educational and community value for the general public.

The State of California has provisions in the California Environmental Quality Act (CEQA) statutes and the California Public Resources Code for the protection and preservation of significant archaeological resources. According to the State CEQA Guidelines, a cultural resource shall generally be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historic Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:

A. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
B. Is associated with the lives of persons important to the nation or to California's past.
C. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
D. It has yielded, or may be likely to yield, information important to the prehistory or history of the State and the Nation.

The fact that a resource is not listed in, or determined to be eligible for listing, in the California Register of Historical Resources, is not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or is not identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

If the project may cause damage to a significant archaeological resource, the project may have a significant effect on the environment. Section 15064.5 of CEQA pertains to the determination of the significance of impacts to archaeological and historic resources. CEQA provides guidelines for administering to archaeological resources that may be adversely affected by project development in Section 151226.4. Achieving CEQA compliance with regard to treatment of
impacts to significant cultural resources requires that a mitigation plan be developed for the resource(s). Preservation in place is the preferred manner of mitigating impacts to significant archaeological resources.

Direct impacts may occur by:

1. Physically damaging, destroying, or altering all or part of the resource;
2. Altering characteristics of the surrounding environment that contribute to the resource’s significance;
3. Neglecting the resource to the extent that it deteriorates or is destroyed. Indirect impacts primarily result from the effects of project-induced population growth. Such growth can result in increased construction as well as increased recreational activities that can disturb or destroy cultural resources; or
4. The incidental discovery of cultural resources without proper notification.

Direct impacts can be assessed by identifying the types and locations of proposed development, determining the exact locations of cultural resources within the project area, assessing the potential significance of the resources that may be affected, and determining the appropriate mitigation.

Indirect impacts primarily result from the effects of project-induced population growth. Such growth can result in increased construction as well as increased recreational activities that can disturb or destroy cultural resources. Due to their nature, indirect impacts are much harder to assess and quantify.

b. Project Impacts and Mitigation Measures.

Impact CR-1 There is the potential that project construction will disturb previously unidentified buried archeological deposits and/or human remains. This is considered a Class II, significant but mitigable impact.

An archaeological survey of approximately 147 acres was conducted by Ms. Maki, Ms. Hawley and Ms. Romani on February 9 & 10, 2004, and by Ms. Maki and Mr. Higgins on June 8, 2004 (Figure 4.5-1). However, the overall result of the survey as to the absence of archaeological resources across much of the area inspected is tentative as ground surface visibility was poor in some locations. Areas designated as open space were generally not surveyed. In addition, access was denied to certain private properties within the Orcutt Area. The areas not surveyed will require a survey prior to any ground disturbing activities. Also, as other similar topographic locations in the San Luis Obispo Area contain Native American sites, Righetti Hill should be surveyed if the open space area will be open to the public. If such a site does exist it could be subject to indirect impacts from Orcutt Area development as many more people would have access to Righetti Hill. In some areas, ground visibility was poor during the survey, therefore the results of the survey are tentative.

Given the presence of an archaeological site, isolated artifacts, and historic ranch operations on the site, there is potential for buried archaeological deposits to occur within the project site.
Construction in areas not known to contain archaeological resources may nevertheless affect previously unidentified resources, given the cultural sensitivity of portions of the project site. This would be considered a potentially significant impact unless mitigation is incorporated.

**Mitigation Measures.** The Specific Plan has incorporated goals, polices, and programs to alleviate impacts to cultural resources. These include:

- **Goal 2.5.** Ensure long-term protection of cultural resources.

- **Policy 2.5.1.** Provide for the protection of both known and potential archaeological resources.

- **Policy 2.7.1a.** Implement mitigation measures included in Appendix C as appropriate when entitlements in the Orcutt Plan Area are requested from the City.

- **Program 2.7.1a.** Implement mitigation measures included in Appendix C as appropriate when entitlements in the Orcutt Plan Area are requested from the City.

In addition to the above provisions incorporated in the Specific Plan, the following mitigation measures would further reduce impacts related to cultural resources to less than significant levels.

**CR-1(a) Areas Not Surveyed.** All areas that were not surveyed by Conejo, as indicated in Figure 4.5-1, that will be subject to project-related earth disturbance shall be subject to archaeological survey prior to any such disturbances. This shall include APNs 076-481-014, 076-481-012, 076-491-003, 075-491-004, and 076-491-001, any planned trails or other developments within the areas designated as open space.

**CR-1(b) Righetti Hill.** Even though it is located within an area designated as open space, the top of Righetti Hill should be subject to archaeological survey. The City is responsible for the survey as part of any project to create a trail system that would provide access to the top of the hill by the general public.

**CR-1(c) Vegetation Clearance Monitoring.** Due to poor ground surface visibility, vegetation clearance/initial grading of the areas shown on Figure 4.5-2 should be monitored by an archaeologist. The archaeologist shall have the power to temporarily halt or redirect project construction in the event that potentially significant archaeological resources are exposed. Based on monitoring observations the lead archaeologist shall have the authority to refine the monitoring requirements as appropriate (i.e., change to spot checks, reduce the area to be monitored) in consultation with the lead agency. If potentially significant prehistoric or historic resources are exposed the lead archaeologist shall be responsible for evaluating the nature and significance of the find. If no
archaeological resources are observed following the vegetation clearance/initial grading then no further monitoring shall be required. A monitoring report shall be provided to the City of San Luis Obispo and the CCIC.

CR-1(d) **Archaeological Resource Construction Monitoring.** At the commencement of project construction, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

An archaeologist shall monitor construction grading within 50 meters (164 feet) of the two isolated finds. In the event that prehistoric or historic archaeological resources are exposed during project construction, all earth disturbing work within 50 meters (164 feet) of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated (e.g., curation, preservation in place, etc.), work in the area may resume. The City should consider retaining a Chumash representative to monitor any field work associated with Native American cultural material.

If human remains are exposed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

**Significance After Mitigation.** Implementation of the Specific Plan’s provisions and the required mitigation measures would reduce disturbance of archeological deposits and human remains to less than significant levels.

**Impact CR-2**  Project development will result in earth disturbance at several locations considered sensitive for archaeological resources. This is considered a Class II, significant but mitigable impact.

As part of the archaeology survey completed by Conejo one prehistoric site, Orcutt-1, and two isolated prehistoric finds were recorded on the Parsons property. Orcutt-1 consists of four cores and three flakes scattered across a 1,170 square meter area on APN 076-411-046. Also located in APN 076-491-002, Isolate-1 is a chert core located approximately 100 meters (330 ft.) northwest of the site Orcutt-1. Isolate-2 is also a chert core that is located approximately 490 meters (1,600 ft.) northwest of Orcutt-1. Both the prehistoric site and two isolates are located within a dirt road and ground surface visibility away from the road was poor. There is an abundance of naturally occurring chert in the general area of the prehistoric site and two isolated finds. Both the prehistoric site and two isolates are found in the general vicinity where three drainages
converge. Prehistoric sites are commonly found at such confluences. Disturbance to these sites would be potentially significant.

Other than Orcutt-1 and the two isolated cores, no other prehistoric or historic archaeological resources were identified during Conejo’s survey.

**Mitigation Measures.** The following mitigation measures would reduce potential impacts related to identified archaeological resources to a less than significant level.

**CR-2(a) Subsurface Archaeological Testing.** If avoidance of an archaeological site(s) is not possible, a Subsurface Archaeological Resource Evaluation (SARE) shall be completed prior to issuance of a Land Use Permit. A SARE should be undertaken for Orcutt-1 with the following goals:

a) Determine if there are intact subsurface deposits associated with this site;
b) Determine the site’s boundaries;
c) Assess the site’s integrity, i.e., is it intact or highly disturbed; and
d) Evaluate the site’s importance or significance.

The City should consider retaining a Chumash representative to monitor any subsurface testing/excavation at Orcutt-1. Results of the Phase 2 Evaluation will determine the need or lack thereof for additional data recovery and/or construction monitoring in the archaeological site area. When feasible, avoidance of impacts through project redesign is the preferred method for mitigating impacts to significant archaeological resources.

The archaeological excavation(s) shall be based on a written explicit research design that includes a statement or research objectives and a program for carrying out these objectives. All cultural materials collected shall be curated at a qualified institution that has proper facilities and staffing for insuring research access to the collections.

**CR-2(b) Construction Monitoring.** An archaeologist should monitor construction grading in the vicinity of the two isolated finds.

**Significance After Mitigation.** Impacts would be reduced to less than significant with implementation of proposed mitigation.

**Impact CR-3** Implementation of the proposed project could result in indirect impacts to identified archaeological resources. This is considered a Class II, *significant but mitigable* impact.
Increased population in the area could result in an increase of relic collecting and/or vandalism that could potentially impact identified archaeological sites. Impacts would be potentially significant but mitigable.

**Mitigation Measures.** The following mitigation measure would reduce potential indirect impacts related to identified archaeological resources to a less than significant level.

**CR-3(a) Prohibition of Archaeological Site Tampering.** Off-road vehicle use, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or cultural sites shall be prohibited. Signs shall be posted on the property to discourage these types of activities and warn of trespassing violations and imposed fines.

**Significance After Mitigation.** Impacts would be reduced to less than significant with implementation of proposed mitigation.

**Impact CR-4 Implementation of the proposed project could result in indirect impacts to historical resources. This is considered a Class II, significant but mitigable impact.**

Several of the structures in the Orcutt Area appear to be over 50 years old. Eight structures are present on the 1942 15' USGS San Luis Obispo Quadrangle within the Orcutt Area. The oldest development in the planning area, the Righetti Ranch dates back at least to 1889. The 50+ year old structures should be subject to evaluation prior to project development in order to mitigate any potential direct or indirect project related impacts. In addition, the Bettencourt Adobe/Rodriguez Adobe located at 4025 Orcutt Road is located across the street from the planning area. No structures within the Orcutt Area have been evaluated for historical significance.

**Mitigation Measures.** The following mitigation measure would reduce potential indirect impacts related to historical resources to a less than significant level.

**CR-4(a) Historical Evaluation.** Prior to development, a qualified historian should be retained to conduct a historical evaluation of the 50+ year old structures within the Orcutt Area using the City’s Historic Preservation Program Guidelines. Any structure determined to be an important/significant historic resource shall be mitigated as appropriate prior to its demolition or relocation. The historic structure evaluation should include the history of the Skinner/Righetti Ranch and the ranch complex should be recorded on appropriate DFR forms. Finally, the historian shall determine if project development will have any significant direct or indirect impacts on the Bettencourt/Rodriguez Adobe, a city historic landmark located immediately adjacent to the Orcutt Area.

**Significance After Mitigation.** Impacts would be reduced to less than significant with implementation of proposed mitigation.
c. Cumulative Impacts. Buildout of the proposed project in conjunction with other development in San Luis Obispo County has the potential to cumulatively impact archeological and historical resources. However, archeological and historical issues will be addressed on a case-by-case basis to mitigate impacts resulting from individual projects. Therefore, no significant cumulative archeological impacts are anticipated to result from the proposed project in conjunction with other projects in the area.
CULTURAL HERITAGE

3.0 Background

San Luis Obispo is blessed with a rich heritage, as evidenced by many noteworthy archaeological sites and historical buildings. These cultural resources constitute a precious, yet fragile legacy which contributes to San Luis Obispo's unique "sense of place."

Before Europeans arrived on the central coast, native Chumash and Salinan people had lived in the area for centuries. While most reminders of these peoples are now gone, evidence of their presence remains in various archaeological, historical and spiritual sites throughout the City. These sites should be respectfully protected, preserved and studied. The Town of San Luis Obispo began with the founding of Mission San Luis Obispo de Tolosa in 1772. Since then, the community has experienced many changes. The older buildings, historic sites and landscape features that remain help us understand the changes and maintain a sense of continuity. The City wants to preserve these cultural resources -- tangible reminders of earlier days in San Luis Obispo.

Starting in the early 1980s, the City of San Luis Obispo inaugurated a program formalizing and adopting policies to address historic and prehistoric cultural resources. The first of the City's historic districts was formed, and the City Council created the Cultural Heritage Committee (CHC). The City subsequently adopted numerous policies in its General Plan that addressed the preservation and protection of historic and prehistoric resources. About 700 historic residential and commercial buildings continue to give the community its "historic" character and charm, while adapting to owners' changing uses and needs.

After two decades, the City has made important strides with its historic preservation efforts. It has purchased and rehabilitated several historic structures, including the Jack House, the Southern Pacific Railroad Water Tower and the Southern Pacific Railroad Depot, and begun rehabilitation of several other historic railroad or adobe structures. Through the Mills Act program, the City and County of San Luis Obispo have helped owners of historic buildings maintain and improve their properties through property tax benefits.
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Nevertheless, many cultural resources are under increasing threats due to development pressures, benign neglect and lack of funding for maintenance or rehabilitation. Throughout California, older established neighborhoods are feeling the effects of growth and intensification due to contemporary development which often dwarfs or lacks the grace of older homes it replaces. Commercial areas are also feeling the impact of a changing economy with new uses, development patterns and economic realities. Underutilized sites with historic resources are often prime targets for redevelopment projects, with the resulting loss of those resources. Moreover, some cultural resources have been lost due to unclear or conflicting public policies, incomplete information and the lack of funding. The loss of significant historic, cultural and archaeological resources can reduce the community’s uniqueness and make it a less desirable place in which to live, work or visit.

As San Luis Obispo enters the 21st century, it is prudent to look into the future to anticipate problems which may lie ahead. We have already experienced some of these same pressures, and it is reasonable to expect that we will continue to face similar challenges in the near future. Through its General Plan policies and related implementation measures, the City intends to help balance cultural resource preservation with other community goals.

3.1 Goals and Policies

3.2 Historical and architectural resources

The City will expand community understanding, appreciation and support for historic and architectural resource preservation to ensure long-term protection of cultural resources.

3.3 Policies

3.3.1 Historic preservation.
Significant historic and architectural resources should be identified, preserved and rehabilitated.

3.3.2 Demolitions.
Historically or architecturally significant buildings should not be demolished or substantially changed in outward appearance, unless doing so is necessary to remove a threat to health and safety and other means to eliminate or reduce the threat to acceptable levels are infeasible.
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3.3.3 Historical documentation.
Buildings and other cultural features that are not historically significant but which have historical or architectural value should be preserved or relocated where feasible. Where preservation or relocation is not feasible, the resource shall be documented and the information retained in a secure but publicly accessible location. An acknowledgment of the resource should be incorporated within the site through historic signage and the reuse or display of historic materials and artifacts.

3.3.4 Changes to historic buildings.
Changes or additions to historically or architecturally significant buildings should be consistent with the original structure and follow the Secretary of the Interior’s Standards for the Treatment of Historic Buildings. New buildings in historical districts, or on historically significant sites, should reflect the form, spacing and materials of nearby historic structures. The street appearance of buildings which contribute to a neighborhood’s architectural character should be maintained.

3.3.5 Historic districts and neighborhoods.
In evaluating new public or private development, the City should identify and protect neighborhoods or districts having historical character due to the collective effect of Contributing or Master List historic properties.

3.4 Archeological resources.
The City will expand community understanding, appreciation and support for archaeological resource preservation.

3.5 Policies

3.5.1 Archaeological resource protection.
The City shall provide for the protection of both known and potential archaeological resources. To avoid significant damage to important archaeological sites, all available measures, including purchase of the property in fee or easement, shall be explored at the time of a development proposal. Where such measures are not feasible and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required pursuant to the Archaeological Resource Preservation Program Guidelines.

3.5.2 Native American sites.
All Native American cultural and archaeological sites shall be protected as open space wherever possible.

3.5.3 Non-development activities.
Activities other than development which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites, or unauthorized collection of artifacts, shall be prohibited.
3.5.4 Archaeologically sensitive areas.
Development within an archaeologically sensitive area shall require a preliminary site survey by a qualified archaeologist knowledgeable in Native American cultures, prior to a determination of the potential environmental impacts of the project.

3.5.5 Archaeological resources present.
Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: presence of a qualified professional during initial grading or trenching; project redesign; covering with a layer of fill; excavation, removal and curation in an appropriate facility under the direction of a qualified professional.

3.5.6 Qualified archaeologist present.
Where substantial archaeological resources are discovered during construction or grading activities, all such activities in the immediate area of the find shall cease until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.

3.5.7 Native American participation.
Native American participation shall be included in the City's guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considers updates or significant changes to its General Plan.

3.5.8 Protection of Native American cultural sites.
The City will ensure the protection of archaeological sites that may be culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance; sites that may have religious value, even though no artifacts are present; and sites that contain artifacts which may have intrinsic value, even though their archaeological context has been disturbed.

3.5.9 Archaeological site records.
The City shall establish and maintain archaeological site records about known sites. Specific archaeological site information will be kept confidential to protect the resources. The City will maintain, for public use, generalized maps showing known areas of archaeological sensitivity.
Sunny Acres.
Sufficient acreage should be provided around Sunny Acres to enable use of the property for a community center, urban garden, natural history museum and adjoining botanical garden, or similar uses.

3.5.10 Southern Pacific Water Tower.
The historic Southern Pacific Water Tower and adjoining City-owned land should be maintained as open space or parkland.
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3.5.11 Cultural resources and open space.
Within the city limits the City should require, and outside the city limits should encourage the County to require, public or private development to do the following where archaeological or historical resources are protected as open space or parkland:

1. Preserve such resources through easements or dedications. Subdivision parcel lines or easements shall be located to optimize resource protection. Easements as a condition of development approval shall be required only for structural additions or new structures, not for accessory structures or tree removal permits. If a historic or archaeological resource is located within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement shall be clearly defined and conditioned prior to map or project approval.

2. Designate such easements or dedication areas as open space or parkland as appropriate.

3. Maintain such resources by prohibiting activities that may significantly degrade the resource.

3.6 Programs.
The City will do the following to protect cultural resources, and will encourage others to do so, as appropriate.

3.6.1 Cultural Heritage Committee.
A. The City’s Cultural Heritage Committee will:
   1. Help identify, and advise on suitable treatment for archaeological and historical resources.
   2. Develop information on historic resources.
   3. Foster public awareness and appreciation of cultural resources through means such as tours, a web site, identification plaques and awards.
   4. Provide recognition for preservation and restoration efforts.
   5. Communicate with other City bodies and staff concerning cultural resource issues.
   6. Provide guidance to owners to help preservation and restoration efforts.
   7. Review new development to determine consistency with cultural resource preservation guidelines or standards.

3.6.2 Financial assistance and incentives.
The City will participate in financial assistance programs, such as low-interest loans and property tax reduction programs that encourage maintenance and restoration of historic properties.

3.6.3 Construction within historic districts.
The Cultural Heritage Committee and Architectural Review Commission will provide specific guidance on the construction of new buildings within historic districts.
3.6.4 Post-disaster Historic Preservation.
The City will be prepared to assess the condition of historic buildings that may be damaged by disasters and to foster their restoration whenever feasible.

3.6.5 Archaeological resource preservation standards.
The City will maintain standards concerning when and how to conduct archaeological surveys, and the preferred methods of preserving artifacts.

3.6.6 Educational programs.
The City will foster public awareness and appreciation of cultural resources by sponsoring educational programs, by helping to display artifacts that illuminate past cultures and by encouraging private development to include historical and archaeological displays where feasible and appropriate.

3.6.7 Partnering for preservation.
The City will partner with agencies, non-profit organizations and citizens groups to help identify, preserve, rehabilitate and maintain cultural resources.

3.6.8 Promote adaptive reuse of historic buildings.
The City will, consistent with health, safety and basic land-use policies, apply building and zoning standards within allowed ranges of flexibility, to foster continued use and adaptive reuse of historic buildings.

3.6.9 City-owned adobes and historic structures.
The City will preserve and, as resources permit, rehabilitate City-owned historic adobes and other historic structures by aggressively seeking grants, donations, private-sector participation or other techniques that help fund rehabilitation and adaptive reuse.

3.6.10 Cultural Heritage Committee Whitepaper.
The City will implement the recommendations of the Cultural Heritage Committee's "Whitepaper", including the adoption of a historic preservation ordinance.