



THE CITY OF SAN DIEGO

## Report to the Historical Resources Board

DATE ISSUED: September 8, 2022 REPORT NO. HRB-22-036

HEARING DATE: September 22, 2022

SUBJECT: **ITEM #04 – Mut kula xuy/ Mut lah hoy ya Site #11**

RESOURCE INFO: [California Historical Resources Inventory Database \(CHRID\) link](#)

APPLICANT: Kimberly Fanelli and Chris Huber represented by Brian F. Smith and Associates, Inc.

LOCATION: Address Restricted, La Jolla Community, Council District 1

DESCRIPTION: Consider the designation of the property above as a historical resource.

### STAFF RECOMMENDATION

Designate the Mut kula xuy/ Mut lah hoy ya Site #11 as a historical resource under HRB Criterion A. The designation only applies to the site and excludes the 1926 one-story residence and all other above-ground structures currently on the premises. This recommendation is based on the following finding:

The resource is a special element of the City's archeological and cultural development. Specifically, the resource is associated with the Mut kula xuy/ Mut lah hoy ya site known to be of cultural significance to the Kumeyaay tribes of San Diego.

### BACKGROUND

This item is being brought before the Historical Resources Board in conjunction with a proposed building modification or demolition of a structure of 45 years or more, consistent with San Diego Municipal Code Section 143.0212. The site is located in an area with known archaeological and cultural significance within the urbanized community of La Jolla. The existing on-site residence was constructed in 1926 with substantial modifications throughout its lifetime. The structure was previously reviewed by Historical Resources staff through a Single Discipline Preliminary Review PTS #514861. During that review, it was determined that the above-ground structure was not eligible for historic designation under any adopted HRB Criteria.

The historic name of the resource, the Mut kula xuy/Mut lah hoy ya Site #11, has been identified as consistent with the Board's adopted naming policy and reflects the Kumeyaay name for the area.

## ANALYSIS

A cultural resources study was prepared by Brian F. Smith & Associates, Inc., which concludes that the property lies within an area of La Jolla with known significant cultural sensitivity associated with the Mut kula xuy/Mut lah hoy ya site and that the resource is significant under HRB Criterion A. Staff concurs that the property is a significant historical resource under HRB Criterion A. This determination is consistent with the *Guidelines for the Application of Historical Resources Board Designation Criteria*, as follows.

*CRITERION A - Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.*

The subject property is located within the mapped boundaries of a regionally significant archaeological site known as the Spindrift Site, (CA-SDI-39/17,372, SDMM-W-1). This site encompasses a large habitation area known to its Kumeyaay inhabitants as *Mut kula xuy/Mut lah hoy ya* (place of many caves). The area is composed of several large midden areas, temporary camps, pottery and lithic scatters, various shell scatters, and burials found throughout multiple, consecutive layers representative of different cultural phases found in the San Diego region. The 20-acre knoll, historically known as the Richards Tract and the La Jolla Vista Tract, was originally investigated and recorded by Malcolm Rogers during the late 1920s, and by James Moriarty in the 1960s, and has been associated with occupations by groups from the La Jolla Complex and the Late Prehistoric Kumeyaay.

The HRB's first designation of a portion of the Mut kula xuy/Mut lah hoy ya site was in 1999 (HRB #390). Other portions of the site (HRB #638, #813, #818, #885, #891, #976, #1175, #1315, and #1330) were designated between 2003 and 2019. Previously, the HRB considered whether to develop a policy of pre-designating the entire Spindrift site so that property owners would be informed before they embark on projects with the potential to adversely impact the significant site. Administrative issues associated with this approach resulted in a continuation of parcels being considered on a case-by-case basis as projects are processed through the Development Services Department.

The archaeological assessment program for the project site included a field investigation and subsurface excavations to evaluate resource significance. The initial subsurface excavations included three shovel tests (STPs) to explore the potential for subsurface cultural deposits. Subsequently, an additional seven STPs and four geotechnical test pit borings (GTPs) were excavated to further refine the variation in density of the deposit across the site. The investigations were conducted using standard archaeological protocol and were carried out between April 2017 and October 2021. Given the sensitive nature of the site, a Native American monitor from Red Tail Monitoring & Research, Inc. was present for the initial archaeological investigations but not the 2021 excavations due to a lack of personnel availability.

Any future proposed projects on the subject site are not within the purview of the Board at this time; however, the following information has previously been requested by Boardmembers in association with designation of archeological sites. The designation of an identified historical resource is not an action subject to CEQA; however, in accordance with the requirements of Assembly Bill (AB) 52 for a project proposed on the site, the City of San Diego sent notifications via email to the Native American Tribes traditionally and culturally affiliated with the area. The notifications were distributed to the local Kumeyaay community for consultation on July 11, 2022 for a 30-day review period. Jamul Indian Village responded on August 23, 2022 acknowledging the project was consistent with the San Diego Municipal Code and concurring with staff's recommendation to require a Native American Monitor during construction. San Pasqual Band of Mission Indians and Lipay Nation of Santa Ysabel did not respond within the 30 days and following the concurrence received from Jamul Indian Village, the consultation was concluded.

The entire property was closely inspected for artifacts during the cultural resources survey. Cultural material was identified and indicates the presence of elements of the prehistoric village complex referred to as the Spindrift Archaeological District.

The limited subsurface investigation consisted of a total of 10 shovel tests and four geotechnical test pit borings. STPs located in the front yard of the residence identified intact cultural materials. STPs located in the back yard of the residence identified disturbed and mixed cultural fill soil and construction debris. Only one GTP yielded cultural materials. Excavations from this area included debitage, faunal bone, ceramics, and other artifacts. One intact midden was encountered and produced a variety of prehistoric materials, including lithic artifacts, pottery fragments, faunal bone, marine shell, and fire-affected rock. Artifacts included an adze, an angular hammer, a mano, a ground stone, and an *Olivella sp.* bead. Pottery fragments recovered from the investigations appeared to be Tizon Brown Ware, commonly associated with the Late Prehistoric Kumeyaay occupation of SDI-39. The faunal remains from this site indicate that fish and small mammals were animal resources. Although the excavations did not encounter any in situ burials or cremations, three highly fragmented pieces of human bone were recovered. These bones will be repatriated to Steve Banegas of the Kumeyaay Cultural Repatriation Committee, named Most Likely Descendent (MLD) by the Native American Heritage Commission.

The surface survey and subsurface investigation identified elements of SDI-39 within the boundaries of the subject property. Both disturbed and intact cultural deposits were discovered, both of which are common patterns within the Spindrift neighborhood due to the grading of lots between the 1920s and 1950s.

**Significance Statement:** In summary, the project area overlies a portion of a regionally significant prehistoric archaeological site, SDI-39. This previously recorded site has documented research potential and human remains and has been determined to be significant by the City. The recent archaeological program at the project site indicates the cultural deposit contains both disturbed levels associated with the previous grading of the lot and intact deposits that have been capped by the disturbed levels and the existing residence. Due to the significant nature of Site SDI-39, cultural deposits throughout this La Jolla neighborhood, coupled with the discovery of a range of habitation debris within the property, staff recommends designation as a Historical Resource under HRB Criterion A.

OTHER CONSIDERATIONS

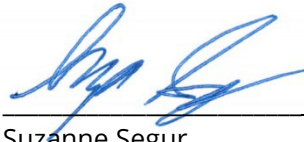
Designation brings with it the responsibility of maintaining the site in accordance with the Secretary of the Interior's Standards. The benefits of designation include flexibility in the application of other regulatory requirements; the use of the Historical Conditional Use Permit which allows flexibility of use; and other programs which vary depending on the specific site conditions and owner objectives. Because the historical resource does not include any above-ground buildings or structures, this property, should it be designated, would not at this time qualify for the Mills Act Program.

CONCLUSION

Based on the information submitted and staff's field check, it is recommended that the Mut kula xuy/ Mut lah hoyá Site #11 be designated as a historical resource under HRB Criterion A. The designation applies to the site only and excludes the 1926 two-story residence and all other above-ground structures currently located on the premises.



Alvin Lin  
Assistant Planner



Suzanne Segur  
Senior Planner/ HRB Liaison  
Development Services Department

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Attachment(s):

1. Draft Resolution
2. Applicant's Cultural Resource Study (under separate cover)
3. Confidential Appendix to Applicant's Cultural Resources Study (under separate cover)

RESOLUTION NUMBER N/A  
ADOPTED ON 9/22/2022

WHEREAS, the Historical Resources Board of the City of San Diego held a noticed public hearing on 9/22/2022, to consider the historical designation of the **Mut kula xuy/ Mut lah hoy ya Site #11** (owned by Christopher R Huber Sole & Separate Property Trust 07-10-18, 7514 Girard Avenue #1539, San Diego, CA 92037) located at **Not permitted to list**, APN: **000-000-00-00**, further described as LOT 40 in the City of San Diego, County of San Diego, State of California; and

WHEREAS, in arriving at their decision, the Historical Resources Board considered the historical resources report prepared by the applicant, the staff report and recommendation, all other materials submitted prior to and at the public hearing, inspected the subject property and heard public testimony presented at the hearing; and

WHEREAS, the property would be added to the Register of Designated Historical Resources as **Site No. 0**, and

WHEREAS, designated historical resources located within the City of San Diego are regulated by the Municipal Code (Chapter 14, Article 3, Division 2) as such any exterior modifications (or interior if any interior is designated) shall be approved by the City, this includes but is not limited to modifications to any windows or doors, removal or replacement of any exterior surfaces (i.e. paint, stucco, wood siding, brick), any alterations to the roof or roofing material, alterations to any exterior ornamentation and any additions or significant changes to the landscape/ site.

NOW, THEREFORE,

BE IT RESOLVED, the Historical Resources Board based its designation of the Mut kula xuy/ Mut lah hoy ya Site #11 on the following findings:

(1) The property is historically significant under CRITERION A as a special element of the City's archaeological and cultural development associated with the Mut kula xuy/Mut lah hoy ya site known to be of cultural significance to the Kumeyaay tribes of San Diego. This finding is further supported by the staff report, the historical research report, and written and oral evidence presented at the designation hearing.

BE IT FURTHER RESOLVED, in light of the foregoing, the Historical Resources Board of the City of San Diego hereby approves the historical designation of the above named property. The designation includes the parcel and exterior of the building as Designated Historical Resource **Site No. 0**.

BE IT FURTHER RESOLVED, the designation shall exclude the 1926 two-story residence and all other above-ground structures currently located on the premises.

BE IT FURTHER RESOLVED, the Secretary to the Historical Resources Board shall cause this resolution to be recorded in the office of the San Diego County Recorder at no fee, for the benefit of the City of San Diego, and with no documentary tax due.

Vote:

BY: \_\_\_\_\_  
DAVID MCCULLOUGH, Chair  
Historical Resources Board

APPROVED: MARA W. ELLIOTT,  
CITY ATTORNEY

BY: \_\_\_\_\_  
LINDSEY SEBASTIAN,  
Deputy City Attorney

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

**WHEN RECORDED MAIL TO**

HISTORICAL RESOURCES BOARD  
ATTN: HRB SECRETARY  
1222 FIRST AVENUE, MS 501  
SAN DIEGO, CA 92101

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NUMBER **N/A**

HISTORICAL DESIGNATION OF PROPERTY ON

**Not permitted to list, CA**

ASSESSOR PARCEL NUMBER **000-000-00-00**

HISTORICAL RESOURCES BOARD NUMBER **0**